

# CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Daniel G. Pennington, Chairman  
Robert C. Frazee, Vice Chairman  
Wesley Chesbro, Member  
Janet Gotch, Member  
Steven R. Jones, Member  
Paul Relis, Member

## REGULAR MONTHLY BUSINESS MEETING

Wednesday, November 19, 1997

9:30 a.m.

Thursday, November 20, 1997

9:30 a.m.

Board Room  
8800 Cal Center Drive  
Sacramento, CA 95826

## AGENDA

### *Note:*

- *Agenda items may be taken out of order.*
- *Persons interested in addressing the Board must fill out a speaker request form and present it to the Board Secretary on the date of the meeting.*
- *If written comments are submitted, please provide 20 two-sided copies in advance of the Board meeting and include on the first page of the document the following information: date, addressee, board meeting or name of committee meeting, agenda item number, and name of person submitting document.*
- *Public testimony may be limited to five minutes per person.*
- *Any information included with this agenda is disseminated as a public service only, and is intended to reduce the volume and costs of separate mailings. This information does not necessarily reflect the opinions, views, or policies of the CIWMB.*
- *To request special accommodations for those persons with disabilities, please contact the Board's Administrative Assistant at (916) 255-2156.*

**Important Notice:** The Board intends that Committee Meetings will constitute the time and place where the major discussion and deliberation of a listed matter will be initiated. After consideration by the Committee, matters requiring Board action will be placed on an upcoming Board Meeting Agenda. Discussion of matters on Board Meeting Agendas may be limited if the matters are placed on the Board's Consent Agenda by the Committee. Persons interested in commenting on an item being considered by a Board Committee or the full Board are advised to make comments at the Committee meeting where the matter is first considered.

To comply with legal requirements, this Notice and Agenda may be published and mailed prior to a Committee Meeting where determinations are made regarding which items go to the Board for action. Some of the items listed below, therefore, may, upon recommendation of a Committee, be pulled from consideration by the full Board. To verify whether an item will be heard, please call Marlene Kelly, Board Secretary, at (916) 255-2151.

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## **ADDENDUM TO THE AGENDA**

THE FOLLOWING ITEM HAS BEEN ADDED TO THE AGENDA AS ADDENDUM  
ITEM 1:

1. CONSIDERATION OF A POLICY THAT WILL ESTABLISH CRITERIA TO  
DETERMINE WHEN AND UNDER WHAT CIRCUMSTANCES AN  
APPLICANT FOR A BOARD CONTRACT, GRANT, OR LOAN SHOULD BE  
CONSIDERED UNRELIABLE AND THEREFORE NOT AWARDED THE  
CONTRACT, GRANT OR LOAN (POLICY, RESEARCH AND  
TECHNICAL ASSISTANCE COMMITTEE)

For further information or copies of agenda items, please contact:

INTEGRATED WASTE MANAGEMENT BOARD  
8800 Cal Center Drive  
Sacramento, CA 95826

Patti Bertram, (916) 255-2563  
FAX (916) 255-2602

NOTE: BOARD AND COMMITTEE AGENDAS ARE AVAILABLE ON THE INTERNET. THE  
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD'S HOME PAGE IS AS FOLLOWS:  
[HTTP://WWW.CIWMB.CA.GOV/](http://WWW.CIWMB.CA.GOV/)

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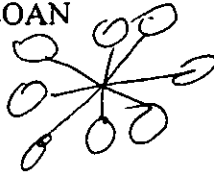
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# CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting  
November 19, 1997

## AGENDA ADDENDUM ITEM 1

**ITEM:** CONSIDERATION OF A POLICY THAT WILL ESTABLISH CRITERIA TO DETERMINE WHEN AND UNDER WHAT CIRCUMSTANCES AN APPLICANT FOR A BOARD CONTRACT, GRANT OR LOAN SHOULD BE CONSIDERED UNRELIABLE AND THEREFORE NOT AWARDED THE CONTRACT, GRANT OR LOAN



### I. SUMMARY

This item recommends adoption of an internal Board policy that will have established criteria for determining when and under what circumstances an applicant who applies for a Board contract, grant or loan should be considered unreliable and therefore not awarded the contract, grant or loan. Staff believes such an internal policy is necessary in order to have specific procedures in place for staff to rely upon when making decisions whether to award contracts or grants, and recommend approval of loans to the Board.

The policy provides that the Board shall not make a contract, grant or loan if the Executive Director finds that an applicant is unreliable. The policy applies to applicants for three years from the time of the finding. The Executive Director would evaluate an applicant and may make a proposed finding of unreliability in the following circumstances: previous fraud investigation with a confirmed finding of fraud; bankruptcy; default on Board loan; foreclosure or repossession on a Board loan; default on Board agreement with termination by the Board; conviction of a crime in certain circumstances; and violation of Board laws, with certain exceptions. An applicant is defined as any person who has previously been awarded a Board contract, grant, loan or subcontract. The Executive Director would notify the applicant of a proposed finding of unreliability, and the applicant would have a chance to appeal to the Board. Included in this item is an analysis of the current law and Board procedures for applications and awarding of contracts, grants and loans.

## **II. PREVIOUS COMMITTEE ACTION**

The item was heard by the Policy, Research, and Technical Assistance Committee on November 4, 1997. The Committee moved to adopt the Policy language after inclusions of some suggested revisions. The revised Policy language is contained in the attachment to this item.

## **III. OPTIONS FOR THE BOARD**

Board members may decide to:

1. Approve establishment and adoption of the proposed award criteria policy.
2. Modify and adopt the proposed award criteria policy.
3. Direct staff to develop additional award criteria policy options.

## **IV. STAFF RECOMMENDATION**

Staff recommend that the Board approve adoption of the proposed contract, grant and loan award criteria policy (Attachment 1) as specified in Option 1.

## **V. ANALYSIS**

Below is a summary of the law and Board procedures regarding application for and awarding of Board contracts, grants and loans. For each Section A – C, the summary explains why there is a gap in both current law and Board procedures in the situation where an applicant has either committed some wrongdoing in a previous Board contract, grant or loan, or otherwise been found unreliable. Section D gives an overview of federal law on this subject. Section E provides an overview of other State of California agencies procedures on this subject. Since the current law and procedures for Board contracts, grants and loans do not provide consistent standards to make an award, staff recommend adopting the award criteria policy so that all applicants are treated equally. Section F explains how such a policy would fill the gap and provide the Board protection from unknowingly awarding a contract, grant or loan to an unreliable applicant.



**A. STATE OF CALIFORNIA CONTRACTS**

**1. Bidding Contract**

The Board cannot prevent someone from bidding on a contract unless the person has been convicted of certain crimes. Public Contract Code (PCC) Section 10285.1 provides that if a contract bidder has been convicted of fraud, bribery, collusion, conspiracy, or violation of antitrust laws in connection with a public contract, the person can be prevented from bidding for up to three years. Thus, unless a bidder has been convicted of one of the above crimes, the Board must accept a contract bid. However, this does not necessarily mean the Board must award the contract to that bidder.

**2. Awarding Contract**

The Board may refuse to award a bidder a contract, on two bases. First, pursuant to Title 14 California Code of Regulations (CCR) 17022, one of the criteria for selection of a firm to contract with the Board, is that the firm be reliable. Also, in Title 14 CCR 17023, the Board must select a firm "deemed to be the most highly qualified to provide the services required". The criteria of "reliability" and "most highly qualified" can serve as the basis to reject awarding a contract to a bidder. Although the Board has these two general basis on which to refuse awarding a contract, the proposed award criteria policy will provide specifically to these situations under which the Board can refuse to award a contract.

**B. STATE OF CALIFORNIA GRANTS**

**1. Current Law**

There are no applicable state statutes or regulations for general grant agreements and expenditures by state agencies.

## 2. Notice of Funds Available

The Notice of Funds Available ("NOFA") is made available to the public for each grant funding cycle. The NOFA provides information about the grant funding availability such as: program description; authority for grant funding; total amount of funds available and maximum individual grand awards; date and funding cycle parameters; applicant instructions; and categories of eligibility such as research, local governments or business. The NOFA provides no specific grounds on which Board staff may refuse to award a grant.

## 3. List of Evaluation Criteria for Awarding Grants

The standards by which staff recommend grant awards are contained in a list of evaluation criteria, which is changed annually according to Board direction. The list of evaluation criteria includes items such as: ability to perform the activities for the project proposed; past experience; and likelihood of success. This list of evaluation criteria does not address issues such as: reliability/responsibility of applicant; or previous wrongdoing of applicant with respect to a Board grant. The proposed award criteria policy would list specific circumstances that would support Board rejection of a grant proposal.

## C. STATE OF CALIFORNIA LOANS

### 1. Loan Applications

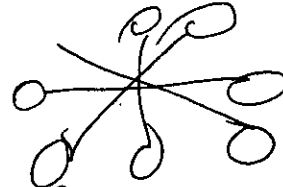
Pursuant to Title 14 CCR 17935.1, loan applications submitted to the Board must contain certain information related to the proposed project, business finances, operations, and management. The application also specifically asks whether the applicant has ever filed bankruptcy, experienced foreclosure, repossession, debt judgement or criminal penalty within the last seven years, or whether there are any legal actions pending against the applicant. The same information is asked of any guarantors which complete a financial statement.

A complete financial analysis is performed on all applicants and guarantors in an effort to identify any weakness which may affect repayment ability (i.e., "reliability"). However, there is nothing in the application that indicates whether the applicant has been involved in some wrongdoing with the Board in the past. Thus, the Board cannot refuse an application on this basis.

## 2. Approval of Loans

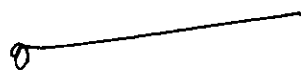
Public Resources Code ("PRC") Section 42010 (d) (3) provides that the Board shall approve only those loan applications which demonstrate ability to repay the loan. Board staff analyzes applications and makes recommendations to the Loan Committee based on the criteria listed in Title 14 CCR 17935.4, which include: creditworthiness, sufficiency and appropriateness of collateral and repayment source, and appropriateness of loan for use in the project. Pursuant to Title 14 CCR 17935.5, the Loan Committee reviews applications and makes recommendations to the Board based on financial soundness and ability to meet the above underwriting criteria. This requirement is found in the current regulations at Title 14 CCR 17935.5 and in the new regulations at Title 14 CCR 17935.55.

The statutory and regulatory procedures for loan approval, in general, focus on creditworthiness of the applicant. The procedures do not give the Board authority to decline a loan on the basis that an applicant has been involved in some wrongdoing in a previous Board grant, contract or loan. The proposed award criteria policy would give the Board the opportunity to decline an otherwise eligible loan.



### D. FEDERAL GOVERNMENT LAW

If a federal government agency discovers that an applicant for a contract, grant or loan has committed certain acts of misconduct within three years before the application is submitted, the agency may reject an application on the basis that it is not in the public interest. Actions by the bidder that constitute lack of integrity and responsibility include: fraud in connection with a public contract; business dishonesty; willfully violating a public agreement; falsification or destruction of records; and failure to pay a federal government debt. These are just a few examples of the acts that form the grounds for a federal agency to reject an application.



nothing  
specific

## **E. OTHER STATE OF CALIFORNIA AGENCIES**

The State Administrative Manual requires that an evaluation of the contractor's performance be done within 60 days of the completion of the contract. The evaluation shall remain on file with the Board for 36 months if satisfactory. If the evaluation is unsatisfactory the Board shall retain one copy and send one copy to the Department of General Services (DGS), Office of Legal Services. The Board must notify the contractor of an unsatisfactory evaluation within 15 days. The contractor then has 30 days to prepare a statement defending their position on the evaluation. The contractor's statement will be included with the Board and DGS evaluation copies on file. The evaluations and contractor responses are not public records. The DGS does not compile a listing of unsatisfactory contractors from which departments could review before letting out contracts/grants. Thus no clearinghouse of such information exists for review by Boards and Departments.

Staff surveyed six other state agencies to determine their policy in dealing with the issue of contract/grant applicants that the agency had previously determined to be unreliable. None of the surveyed agencies had a written policy that addressed this issue. The majority of the surveyed agencies attempt to utilize the scoring process when rating applicants to include previous satisfactory or unsatisfactory work with the particular agency. Based on these findings staff have included a fourth option for the Committee to consider which would direct staff to include criteria in the ranking process to address previous contractor performance. This option would essentially provide the same effect as the proposed policy. However, the verbiage for the criteria would be modified to fit within the context of the form and content contained in the contract and grant ranking criteria worksheets.

## **F. PROPOSED BOARD POLICY**

### **1. Policy Overview**

As explained above, it is not possible for the Board to prevent a contractor from bidding a Board contract. Similarly, it is not possible for the Board to prevent someone from applying for a grant or loan. However, the Board could adopt a policy that details specific situations that would give the Board authority to refuse to award a contract, grant or loan. This policy would include language as outlined in Attachment 1.

The proposed award criteria policy provides the basis for the Board to find an applicant unreliable, which in turn allows the Board to refuse to award a contract, grant or loan for a period of three years from the finding of unreliability.

The policy applies to an applicant who has been awarded a previous Board contract, grant or loan or subcontract. The basis to find an applicant unreliable include:

- Investigated for fraud and the investigation concluded that a claim was disallowed or the person did not comply with a Board agreement;
- Defaulted on a Board loan;
- Real property was foreclosed upon or personal property was repossessed on a previous Board loan;
- Failed to comply with a previous Board contract, grant, loan or subcontract and the agreement was terminated by the Board;
- Filed bankruptcy
- Convicted of a crime that interfered with the Board contract, grant, loan or subcontract or
- Currently in violation of Board statutes or regulations, except block grants under PRC Section 48690, and except if the contract, grant, or loan is for the purpose of resolving the violation.

Note that the last item (current violation of law) would affect a city or county that has not submitted a complete source reduction and recycling element as required by PRC Sections 41750 and 41780. In addition, it would affect the city or county if the plan submitted is disapproved pursuant to Section 41810 et. seq. In these situations, the city or county would be in violation of Board statutes and would automatically be ineligible to receive Board contracts, grants or loans. PRC section 48960 is exempted from the "no current violation of law" requirement, since the section specifically states that the Board "shall" make used oil block grants. No other section of the PRC requires that the Board "shall" award a contract, grant or loan to an application.

## 2. Findings

- a. Who Makes the Findings. There are several sources for discovering an act that could be considered unreliable. The most obvious will be the individual contract managers. Upon completion of a contract an evaluation is compiled to rate the performance of the contractor. Additionally, boilerplate language in our agreements provide that the

agreement can be terminated at our discretion at any time upon 30 days written notice to the contractor. Before a termination notice had been sent to the contractor, the performance problem prompting the action would have risen to, at least, the Deputy Director level for concurrence. Another source of discovering problems would come from Auditors, both internal and external. An audit which results in a Statement of Opinion would contain a conclusion on the validity of the item(s) being audited. Further review would provide insight to the actual audit findings which led to the opinion. The Statement of Opinion would be considered a public document and would be part of the completed audit report. A proposed finding of unreliability would be made by the Executive Director, who would notify an applicant of the proposed finding.

- b. Permissive or Mandatory. The proposed policy initially provided that Board staff "shall" find an applicant unreliable if there was a finding based on any of the items in 2(a) - 2(g) of the policy. Concern was raised regarding section 2(d), which required a finding of unreliability if an applicant had failed to comply with the terms and conditions of a previous Board contract, grant, loan or subcontract. Concern was also raised regarding section 2(g), which required a finding of unreliability if an applicant was in current violation of any Board statute or regulation (Except PRC section 48690). If the finding language is mandatory, the policy could be abused and applied against an applicant punitively for a minor or technical violation. By changing the finding language to a permissive finding "may", instead of a mandatory finding "shall", the concerns raised are addressed.
3. Investigation. The proposed policy provides that if an applicant has been investigated for alleged fraudulent claims or reporting to the Board, and the investigation concluded that any and all claims(s) to the Board were disallowed or that the person investigated did not comply with provisions in the applicable agreement, the applicant is determined to be unreliable. It is anticipated that an investigation or audit could be carried out by Board staff, another state agency, or a Board consultant (i.e. a private entity).
4. Performance Criteria/Dispute Resolution Boilerplate language included in contracts/grants extended by the Board address this situation. An evaluation of the contract/grant is prepared upon completion of the contract, as detailed in Section E. Additionally, the State has the right of discretionary termination or

assignment of the agreement following determined steps (see Section F 2 a). If information is received that any agreement conditions have been violated by the contractor, the Board has the right to conduct an investigation to determine whether a violation has occurred. If a dispute arises and the contractor cannot reach mutual agreement with either the Contract Manager or Executive Director, the contractor may refer the dispute to the Board for final resolution. Also included in the boilerplate language is a section which states that all questions concerning the validity and operation of the agreement falls under the jurisdiction of and is governed by the laws of the State of California. In the case of loans extended by the Board, the "performance criteria" is based on complying with the terms of the loan documents, i.e. making timely payments. A default under the loan documents could result in the Board initiating foreclosure steps.

5. Appeal An applicant who has received notice of a proposed finding of unreliability would have 60 days to appeal to the Board. If the Board confirms the finding of unreliability, the applicants name would be placed on a list of unreliable contractors, grantees, and borrowers.

## VI. ATTACHMENTS

1. Proposed Board Policy
2. Resolution 97-356

## VII. APPROVALS

Prepared by: Rick Beard R Beard Phone: 255-2290

Prepared by: Elizabeth Clayton Elizabeth T. Clayton Phone: 255-2204

Reviewed by: Caren Trgovcich Caren Trgovcich Phone: 255-2320

Legal Review: Kathryn Tobias Elizabeth T. Clayton Phone: 255-2825  
for Kathryn J. Tobias

Attachment 1

**PROPOSED BOARD POLICY LANGUAGE**

1. The Board shall not award a contract, grant or loan if the Executive Director has made any of the findings listed in Section 2 below, for a period of three years from the date of the finding. The findings shall apply to applicants for a contract, grant or loan in either of the following situations:
  - a) Any applicant that has previously been awarded a Board contract, grant or loan, if in connection with the previous Board contract, grant or loan, the Executive Director finds that the applicant was unreliable, untrustworthy, incompetent or irresponsible ("unreliable"); or
  - b) Any applicant who intends to enter into a subcontract with any subcontractor who has previously subcontracted on a Board contract, grant or loan, if in connection with the previous subcontract, the Executive Director finds that the subcontractor was unreliable.
2. Sections 2a-2g below list grounds for the Executive Director to find that an applicant for a contract, grant or loan is unreliable. The Executive Director may make this finding based only on the items listed in Sections 2a-2g below. The following grounds apply to either the applicant or subcontractor, as outlined in Section 1 above:
  - a) Investigation for alleged fraudulent claims or reporting to the Board, resulting in the disallowance of any and all claim(s) to the Board or a finding that the person investigated did not comply with provisions in the applicable agreement; or
  - b) Default on a Board loan, as evidenced by written notice provided to the borrower of the default by Board staff; or
  - c) Foreclosure upon real property loan collateral or repossession of personal property loan collateral by the Board; or
  - d) Breach of the terms and conditions of a previous Board contract, grant, loan, or subcontract, resulting in termination of the contract, grant or loan by the Board; or



e) Filing voluntary or involuntary bankruptcy, where the Executive Director finds, based on substantial evidence, that the bankruptcy interfered with the contract, grant, loan or subcontract; or

f) Conviction of a crime, where the Executive Director finds, based on substantial evidence, that the crime interfered with the contract, grant, loan or subcontract; or

g) Currently in violation of any Board statute or regulation, with the exception of the grants awarded pursuant to PRC 48690, and with the exception that the grant, contract or loan is for the purpose of resolving the violation.

3. The Executive Director may make a proposed finding of unreliability at any time after Board staff discover and confirm that one or more of the acts listed in paragraph 2 have occurred, not to exceed three years from the date a contract or grant terminates, a loan agreement terminates, or a loan obligation is satisfied.
4. After the Executive Director has made a proposed finding of unreliability, the Executive Director shall notify the applicant of the proposed finding by certified or registered mail. An applicant who wishes to appeal the proposed finding may, within 60 days from the date notification was served, appeal to the Board. If the Executive Director does not receive an appeal within 60 days from the date of the proposed finding, the finding shall become final, and the applicant shall be added to a Board list of unreliable contractors, grantees and borrowers.

Attachment 2

**California Integrated Waste Management Board  
Resolution 97 – 356**

**FOR CONSIDERATION OF A POLICY THAT WILL  
ESTABLISH CRITERIA TO DETERMINE WHEN AND  
UNDER WHAT CIRCUMSTANCES AN APPLICANT  
APPLYING FOR A BOARD CONTRACT, GRANT OR LOAN  
SHOULD BE CONSIDERED UNRELIABLE AND  
THEREFORE NOT AWARDED THE CONTRACT, GRANT  
OR LOAN**

**BE IT RESOLVED** that the board hereby approves and adopts the contract, grant and loan award criteria policy as stated in Attachment 1 of the item with any changes identified at the Board meeting.

**CERTIFICATION**

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board on November 19, 1997.

Dated:

Ralph E. Chandler  
Executive Director

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# California Integrated Waste Management Board

## Board Meeting

November 19, 1997

### AGENDA ITEM 4

#### ITEM:

#### CONSIDERATION OF APPROVAL OF THE 1997-98 CONTRACT CONCEPTS

#### I. SUMMARY

The Board and staff submitted contract concepts for discretionary consulting and professional services for the 1997-98 fiscal year (FY). The Executive Staff reviewed these contract concepts and prioritized them based on the Integrated Waste Management Board (CIWMB) Strategic Plan's goals and objectives and available funding. As a result of this review, the Executive Staff is recommending six contract concepts for approval to be funded from the IWMA as identified in Attachment 1. In addition, contract concepts for Project Recycle, Used Oil, and Tire Recycling Funds not yet approved are included in Attachment 1.

#### II. PREVIOUS COMMITTEE ACTION

At the November 1997 Administration Committee, the following contract concepts to be funded from IWMA were approved:

5-WPM-IWM	Landscaping/Horticulture Compost/Mulch Promotion	\$ 40,000
8-DPL-IWM	Waste Characterization Database Maintenance	\$108,000
10-DPL-IWM	Develop Model and Estimate of Economic Activity	\$ 40,000
32-EXE-IWM	Integrated Technical Training Program	\$ 46,750

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In addition, the Committee voted on the following:

1. A Construction & Demolition (C&D) placeholder in the amount of \$50,000
2. A Sponsorship/Partnership placeholder in the amount of \$40,000

The Committee approved all other contract concepts listed in Attachment 1 for the Used Oil Fund and the Tire Recycling Fund.

### **III. OPTIONS FOR THE BOARD**

Board Members may decide to:

1. Approve the IWMA contract concepts recommended by the Executive Staff and the contract concepts to be funded from Project Recycle (IWMA), Used Oil and Tire Recycling Funds.
2. Approve a portion of the recommended contract concepts and other listed concepts in Attachment 1 while ensuring that the total amount does not exceed the total available funds.
3. Approve other contract concepts listed in Attachment 1 and ensure that the total amount does not exceed the total funding available.
4. Approve the action taken by the Administration Committee.

### **IV. STAFF RECOMMENDATION**

Staff recommends that the Board approve Option 1.

### **V. ANALYSIS**

Contract concepts were submitted for discretionary consulting and professional services for the 1997-98 FY. Contract concepts for IWMA, Project Recycle and Used Oil funds to be considered are listed in Attachment 1. Contract concepts for the Tire Recycling Fund were previously approved at the April 1997 Board meeting, with the exception of those concepts that would be split-funded with the IWMA as indicated in Attachment 1.

The Executive Staff have reviewed the contract concepts and prioritized recommended IWMA funded concepts based on the goals and objectives of the CIMWB Strategic Plan and available funding. As a result of that review, six concepts that primarily support Goals 1 and 2 of the CIWMB Strategic Plan are recommended for approval.

These concepts support the effective implementation of CIWMB policies and mandates and support local jurisdictions' abilities in reaching and maintaining California's waste diversion mandates. These concepts specifically focus on:

- 1) The evaluation and/or implementation of specific diversion projects;
- 2) Support programs that provide effective program assistance to local jurisdictions to aid in the analysis of their waste streams;
- 3) Increased support and participation needed to reach the 50% goal; and
- 4) Training that would increase and expand staff expertise.

## VI. FUNDING INFORMATION

**Amount Proposed to Fund Item: \$**

**Fund Source:**

XX	Used Oil Recycling Fund
XX	Tire Recycling Management Fund
	Recycling Market Development Revolving Loan Account
XX	Integrated Waste Management Account
	Other (Specify)

**Proposed From Line Item:**

XX	Consulting & Professional Services
	Training
	Data processing
	Other (Specify)

## VII. ATTACHMENTS

1. Summary of 1997-98 FY Contract Concepts
2. Description of 1997-98 FY Contract Concepts
3. Resolution 97-412

## VIII. APPROVALS

Prepared By:	Sandi Conry <i>SC</i>	Phone:	255-2252
Reviewed By:	Terry Jordan <i>TJ</i>	Phone:	255-1399
Reviewed By:	Judith Friedman <i>JF</i>	Phone:	255-2376
Reviewed By:	Caren Trgovcich <i>CT</i>	Phone:	255-2320
Reviewed By:	Karin Fish <i>KF</i>	Phone:	255-2259

**SUMMARY OF CONTRACT CONCEPTS FOR 1997-98 FY  
DISCRETIONARY CONSULTANT AND PROFESSIONAL SERVICES**

**INTEGRATED WASTE MANAGEMENT ACCOUNT (IWMA)**

CONCEPT NO./DIV	CONCEPT TITLE	GOAL	AMOUNT REQUESTED	EXEC STAFF RECOMMEND	COMMITTEE ACTION
<b>Total IWMA C&amp;P Funds Available</b>			<b>\$826,450</b>	<b>\$826,450</b>	
	Less Total Mandatory IWMA Services		<b>\$401,421</b>	<b>\$401,421</b>	
<b>Total IWMA Discretionary Funds Available</b>			<b>\$425,029</b>	<b>\$425,029</b>	
<b>Concepts Previously Approved....</b>					
	California Materials Exchange (CALMAX)	2	\$30,000	\$30,000	
	Waste Reduction Awards Program (WRAP)	2	\$50,000	\$50,000	
	DOC Survey Plastic Processors	2	<u>\$14,500</u>	<u>\$14,500</u>	
	<b>Total Amount</b>		<b>\$94,500</b>	<b>\$94,500</b>	
<b>Remaining Discretionary Funds Available</b>			<b>\$330,529</b>	<b>\$330,529</b>	<b>\$330,529</b>
<b>Concepts Proposed....</b>					
2-WPM-IWM	Annual Trash Bag Audit Contract	2	\$25,000		
4-WPM-IWM	Plastic Lumber Research/Demo Project	2	\$50,000		
5-WPM-IWM	Landscaping and Horticulture Compost/Mulch Promotion	1	\$50,000	\$40,000	\$40,000
6-WPM-IWM	Assist Export Development for Recyclable Materials.....	2	\$25,000		
7-WPM-IWM	Quantify Calif Recycling/Composting Infrastructure	2,3	\$50,000		
-DPL-IWM	Waste Characterization Database Maintenance	2	\$108,000	\$108,000	\$108,000
9-DPL-IWM	Cooperative Marketing	2	\$75,000	\$40,000	
10-DPL-IWM	Develop Model and Estimate of Economic Activity.....	2	\$35,000	\$35,000	\$40,000
11-DPL-IWM	Develop Methods for Estimating Used Oil/other Diversions	2	\$10,000	\$10,000	
12-DPL-IWM	Withdrawn		\$0		
13-DPL-IWM	Withdrawn		\$0		
17-PEN-IWM	Withdrawn		\$0		
32-EXE-IWM	Integrated Technical Training Program (ITTP)	1	\$46,750	\$46,750	\$46,750
33-WPM-IWM	Wine Bottle Reuse Demonstration Project	2	\$25,000		
41-BRD-IWM	Model Playgrounds made from Recycled Materials	2	\$40,000		
42-BRD-IWM	Demonstration Sites Compost/Mulch on Wine Grapes	2	\$25,000		
43-DPL-IWM	Waste Characterization Studies	2,3	<u>\$100,000</u>		
<b>Total Discretionary Services Requested/Recommended</b>			<b>\$664,750</b>	<b>\$279,750</b>	<b>\$234,750</b>
<b>IWMA C&amp;P Fund Balance</b>			<b>(\$334,221)</b>	<b>\$50,779</b>	<b>\$95,779</b>
	Construction & Demolition (C&D) Placeholder				\$50,000
	Sponsorship/Partnership Placeholder				\$40,000
<b>IWMA C&amp;P Fund Balance</b>					<b>\$5,779</b>

<sup>1</sup> Split-Funded Between IWMA, TIRES, AND OIL

<sup>2</sup> Total amount of concept equals \$250,000 - Board's share is anticipated to be \$100,000

Balance available to be used to augment existing contracts or fund new contracts as needed or to fund other administrative expenses.

<sup>4</sup> The dollar amount reduction will have no impact, as this project has been redefined.

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**SUMMARY OF CONTRACT CONCEPTS FOR 1997-98 FY  
DISCRETIONARY CONSULTANT AND PROFESSIONAL SERVICES**

Attachment 1

**PROJECT RECYCLE (IWMA)**

CONCEPT NO.	CONCEPT TITLE	DIVISION	GOAL	AMOUNT REQUESTED
	<b>Total Project Recycle (IWMA) C&amp;P Funds Available</b>			<b>\$91,440</b>
	Less Total Mandatory Services			<b>\$91,440</b>
	<b>Total Discretionary Funds Available</b>			<b>\$0</b>
	<b>Concepts Previously Approved....</b>			
	In-House Scrap Paper Collection from State Offices	DPLA		Revenue
	Various Recyclable Collection Contracts	DPLA		Revenue
	<b>Remaining Discretionary Funds Available</b>			<b>\$0</b>
	<b>Concepts Proposed....</b>			
	18-DPL-IWM Withdrawn	DPLA		<b>\$0</b>
	<b>Total Discretionary Services Requested</b>			<b>\$0</b>
	<b>Project Recycle (IWMA) C&amp;P Fund Balance</b>			<b>\$0</b>

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**SUMMARY OF CONTRACT CONCEPTS FOR 1997-98 FY  
DISCRETIONARY CONSULTANT AND PROFESSIONAL SERVICES**

Attachment 1

**USED OIL FUND (Administration)**

CONCEPT NO.	CONCEPT TITLE	DIVISION	GOAL	AMOUNT REQUESTED	
	Used Oil (Administration) C&P Funds Available			\$719,000	
	Less Total Mandatory Services			\$448,350	
	Total Discretionary Funds Available			\$270,650	
	Concepts Proposed....				
32-EXE-OIL	See 32-EXE-IWM..Integrated Technical Training....	EXEC	1	\$29,750	<sup>1</sup>
	Total Discretionary Services Requested			\$29,750	
	Used Oil (Administration) C&P Funds Available			\$240,900	<sup>2</sup>

**USED OIL FUND (Education & Info)**

CONCEPT NO.	CONCEPT TITLE	DIVISION	GOAL	AMOUNT REQUESTED	
	Used Oil (Education & Info) C&P Funds Available			\$1,530,000	<sup>3</sup>
	Less Total Mandatory Services			\$60,000	
	Total Discretionary Funds Available			\$1,470,000	
	Concepts Previously Approved....				
	California Materials Exchange (CALMAX)		2	\$10,000	<sup>1</sup>
	Used Oil Promotion/Education with CA Conservation Corps		3	\$1,000,000	
	Total Amount			\$1,010,000	
	Remaining Discretionary Funds Available			\$460,000	
	Concepts Proposed....				
11-DPL-OIL	See 11-DPL-IWM..Development of Methods....	DPLA	2	\$40,000	<sup>1</sup>
21-DPL-OIL	Promotional Education with Dept. of Water Resources	DPLA	3	\$50,000	
22-DPL-OIL	Promotional Expenses with Dept. of Motor Vehicles	DPLA	3	\$100,000	
34-DPL-OIL	Promotional Expenses/Education	DPLA	3	\$150,000	
44-OIL-IWM	Promo Expenses/Residential & Outreach Landscapers	DPLAWPMD	2,3	\$100,000	
	Total Discretionary Services Requested			\$440,000	
	Used Oil (Education & Info) Fund Balance			\$20,000	<sup>4</sup>

Split-Funded between IWMA, TIRES, AND OIL

Pending IAA (\$200,000 et.) with Dept. of Finance for annual audit per P.R.C. Section 48657. Any remaining balance will return to Operating Expenses.

<sup>3</sup> Projection is based on historical data.

<sup>4</sup> This will be available to augment existing contracts or to fund new contracts if needed.

**SUMMARY OF CONTRACT CONCEPTS FOR 1997-98 FY  
DISCRETIONARY CONSULTANT AND PROFESSIONAL SERVICES**

**RMDZ FUND**

CONCEPT NO.	CONCEPT TITLE	DIVISION	GOAL	AMOUNT REQUESTED
	<b>RMDZ C&amp;P Funds Available</b>			<b>\$1,034,000</b>
	Less Total Mandatory Services			\$34,000
	<b>Total Discretionary Funds Available</b>			<b>\$1,000,000</b>
	<b>Concepts Previously Approved....</b>			
	Specialized Acctg./Financial Asst.	WPM	2	\$115,000
	Documentation & Closing of Loans	WPM	2	\$200,000
	Loan Servicing	WPM	2	\$225,000
	Cooperative Marketing Assistance	WPM	2	\$120,000
	Implementation & Admin. Of Loans	WPM	2	\$250,000
	Rural RMDZ/Small Business Assistance	WPM	2	<u>\$40,000</u>
	<b>Total Amount</b>			<b>\$950,000</b>
	<b>Remaining Discretionary Funds Available</b>			<b>\$50,000</b>
	<b>Concepts Proposed....</b>			
23-WPM-RMDZ	Deleted	WPM		\$0
25-WPM-RMDZ	Deleted	WPM		\$0
38-WPM-RMDZ	Withdrawn	WPM		\$0
	<b>Total Discretionary Services Requested</b>			<b>\$0</b>
	<b>RMDZ C&amp;P Fund Balance</b>			<b>\$50,000</b>

<sup>1</sup> This will be available to support existing contracts or foreclosure needs.

**SUMMARY OF CONTRACT CONCEPTS FOR 1997-98 FY  
DISCRETIONARY CONSULTANT AND PROFESSIONAL SERVICES**

Attachment 1

**TIRE RECYCLING FUND**

CONCEPT NO.	CONCEPT TITLE	DIVISION	GOAL	AMOUNT REQUESTED	
	<b>Tire Recycling C&amp;P Funds Available</b>			<b>\$5,941,579</b>	
	Less Total Mandatory Services			\$652,521	
	<b>Total Discretionary Funds Available</b>			<b>\$5,289,058</b>	
	<b>Concepts Previously Approved....</b>				
	California Materials Exchange (CALMAX)	WPM	2	\$10,000	1
	California Highway Patrol	PEN	3	\$100,000	
	Attorney General Services	PEN	3	\$40,000	
	Environmental Services (includes monofilling)	PEN	3	\$150,000	
	Stabilization & Remediation	PEN	3	\$2,500,000	
	Waste Tire Hauler Manifest Database	PEN	3	\$50,000	
	RAC Technical Assistance Center	WPM	2	\$500,000	
	Third Biennial Tire Recycling Conference	WPM	2	\$50,000	
	DGS/State Procurement of Mats, Threshold Ramps	WPM	2	\$50,000	
	RMDZ Loan Program	WPM	2	\$1,000,000	
	Levee Construction & Repair/Soundwall Construction	WPM	2	\$609,000	
	TDF and Crumb Rubber Educational Video/Support Material	WPM	2	\$150,000	
	<b>Total Amount</b>			<b>\$5,209,000</b>	
	<b>Remaining Discretionary Funds Available</b>			<b>\$80,058</b>	
	<b>Concepts Proposed....</b>				
17-PEN-TIRE	See 17-PEN-IWM.. Withdrawn	PEN		\$0	
32-EXE-TIRE	See 32-EXE-IWM.. Integrated Technical Training....	EXEC	1	<u>\$8,500</u>	1
	<b>Total Discretionary Services Requested</b>			<b>\$8,500</b>	
	<b>Tire Recycling C&amp;P Fund Balance</b>			<b>\$71,558</b>	2

<sup>1</sup> Split-Funded between IWMA, TIRES AND OIL

<sup>2</sup> \$15,558 will be available to support existing contracts or to fund new contracts as needed.

\$56,000 will be available to support other program/administrative expenses, which include:

\$18,000=travel; \$15,000=printing; \$13,000=general expense; \$10,000=field vehicle lease

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**CONTRACT CONCEPTS  
FISCAL YEAR 1997-98****Concept Number: 2-WPM-IWM**

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**Requesting Party:** Waste Prevention & Market Development Division  
**Amount:** \$25,000  
**Fund:** IWMA  
**Primary Staff Contact:** Jerry Hart

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**Description: ANNUAL TRASH BAG AUDIT CONTRACT**

This contract would be used to audit compliance with the Recycled-content Trash Bag Program. This is a legislatively mandated market development program for which the Board has full responsibility. Each year manufacturers and wholesalers of trash bags are to certify to the Board regarding the regulated bags sold in California. The annual certifications have been received since March 1, 1993. The certifications are used to determine compliance, publish a list of those manufacturers not complying, and to refer those submitting false or misleading statements to the Attorney General.

An audit component to this program is essential. Companies throughout the country are required to certify compliance to the Board. The consequences of making a false or misleading statement, and the inability of the Board to identify such statements on a certification form, are significant. The Board must have the ability to verify the figures provided on the annual self-certifications via an audit contract.

The audit contract is the most visual enforcement activity being taken for this program. The lack of an active enforcement component was a significant concern of the regulated community. The audit contract provides a certain degree of accountability to the regulated community and is the best available tool to level the playing field among regulated companies. No auditing of these annual certifications will reduce the trash bag program, one of only five minimum-content requirements in the state, to a self-certification program with very limited means of verifying the accuracy of the information being received.

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**Supports Board Mandate:**

The Trash Bag Program is one of five minimum-content laws in California; one of three administered by the Board. The law and the implementing regulations are directly responsible for keeping thousands of tons of material out of landfills. The program also keeps numerous recycling-based companies in business. The program has been used to document markets for materials when companies seek additional funds from lending institutions. It has been used as a model for programs in other states and other countries.

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## History:

Contract IWM-C6028 provided \$15,000 for FY 95/96 to audit trash bag manufacturer and wholesaler certifications. This sum was barely adequate to audit seven trash bag manufacturer(s) and two trash bag wholesaler(s) who submitted certifications for 1994. These 9 audits were approximately 10 percent of the certifications submitted. During 1996, staff expects more certifications and a greater volume of material to be reported in 1996 due to an expansion of the type of trash bags covered by the law. In order to maintain the typical 10 percent audit rate, additional audits will need to be conducted on the 1996 certifications.

The annual aggregate recycled plastic postconsumer material (RPPCM) use requirement for 1993 and 1994 was 10% in bags 1.0 mil thickness and greater. For 1995, the annual aggregate use requirement increased to 30% in bags .75 mil and greater, for 1996 reduced to 20%, and then increases back to 30% for 1997. The higher use requirement will require a greater level of detail to validate the figures sent on the annual certifications.

Assembly Bill 1851 (1995, Sher) was signed into law this past October. It revises the RPPCM use requirement for 1996 and 1997. In addition, AB 2744 (Ackerman, 1995) made significant revisions to the law, and more proposals to change the program are expected next year. As with any revision or proposed revision to statute, a fair amount of uncertainty results. Some companies have taken these opportunities to make their own interpretations of the requirements and have further misconstrued the facts. The constant flow of new statutory language increases the need for audits in 1997.

The auditor has found and corrected several errors in calculations made by the companies being audited. He has also made written suggestions to the companies being audited, such as installing a better tracking system for RPPCM shipments and inventory in stock. An improved tracking mechanism for shipments of recycled-content trash bags was also suggested. The level of detail of the audits, particularly on-site audits, have made these types of suggestions possible. The fact that the Board has taken the necessary step of conducting audits has spread throughout the industry and has directly led to an improved response rate for companies required to certify.

---

## Benefit to the Board:

### Anticipated Results and Benefits of an Audit Component:

- Increased participation in the program
- Increased compliance with the law
- Increased markets for postconsumer plastic materials
- Increased positive feedback and recognition of the Board and

it's programs

Anticipated Costs of Not Having an Audit Component

- Decreased participation in the program
- Decreased compliance with the law
- Decreased markets for postconsumer plastic materials
- Decreased positive feedback and recognition of the Board and its programs

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**Budget Process:**

The amount requested was calculated based upon an adjustment of last year's actual cost for similar services. Because more companies will be reporting for larger volumes of material, additional audits will need to be conducted to maintain the standard 10% audit rate. Also, because Board staff and the contractor have realized there is an increased benefit of on-site audits versus desk-top audits, staff requests funds for additional on-site audits for the 1997 certifications.

# CONTRACT CONCEPTS

## FISCAL YEAR 1997-98

Concept Number: 4-WPM-IWM

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Requesting Party: Board Members/WPMD Division

Amount: \$50,000

Fund: IWMA

Primary Staff Contact: Edgar Rojas/Ranny Eckstrom

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Description: PLASTIC LUMBER RESEARCH AND DEMONSTRATION PROJECT

Battelle Memorial Institute is seeking \$50,000 each per year from California and other private and public agencies for a three-year research program to develop technologies for recycled plastic lumber (RPL) in structural applications. CIWMB staff is proposing a two year study that would identify a state plastic lumber demonstration project. Battelle would develop specifications and monitor and evaluate the project. The results from this contract would be used to develop plastic lumber specifications usable for other California projects and to assist local agencies to buy recycled plastic lumber products.

This contract would be for the second year of the three year project. Staff is seeking other non-IWMA funds for the first year, but have not as yet identified appropriate funding.

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Supports Board Mandate:

Market Development-plastic recycling.

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History: Because this project was not submitted in time for the FY 1996-97 cycle, the Board voted for non-financial support of this project at their August 28, 1996 meeting and expressed interest in considering this contract concept during the next cycle (97-98 FY).

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Benefit to the Board: The development of specifications for plastic lumber would remove a fundamental market barrier.

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Budget Process: The amount was based on a prospectus developed by Battelle with private and public agencies. Total project cost is \$600,000 per year for three years for a total project cost of \$1.8 million.

Staff proposes that the CIWMB consider \$100,000 for this contract for a period of two years (\$50,000 for FY 97-98 and \$50,000 for FY 98-99). This amount could be reduced if staff is successful in identifying other non-IWMA funding sources.

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CONTRACT CONCEPTS  
FISCAL YEAR 1997-98

Concept Number: 5-WPM-IWM

*Revision 2*

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Requesting Party: Paul Relis  
Amount: \$50,000  
Fund: IWMA  
Primary Staff Contact: Caren Trgovcich

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Description: CONTINUATION OF EFFORTS TO PROMOTE THE USE OF  
COMPOST/MULCH PRODUCTS IN THE AGRICULTURAL SECTOR  
AND INITIATION OF DEMONSTRATION AND OUTREACH  
EFFORTS IN THE LANDSCAPING AND NURSERY INDUSTRIES

This contract will continue the Board's outreach efforts to promote the use of municipally-derived compost and mulch products in agriculture and expand these efforts to include the municipal and commercial landscaping and nursery industries. The agricultural outreach efforts have been very successful and warrant continuation, for example at various farm shows and at workshops organized by agricultural organizations and the U.C. Cooperative Extension.

The landscaping and nursery industries are natural targets for similar efforts. These industries require large, increasing quantities of feedstock for their products, and urban-derived organic materials could serve a major portion of this growing demand. This contract would provide support for a cooperative effort among compost and mulch producers, municipalities, and landscaping and nursery trade associations. This may include development of use specifications, field demonstrations and education/outreach elements specific to the demonstrations. Members of the cooperative effort should include, but are not limited to, landscaping and/or nursery trade associations, technical experts including advisors from academic or nonprofit organizations, compost/mulch processors, and local government representatives.

The next step will be to approach local government using the draft erosion control specifications for mulch and compost. Cooperative pilot projects may be possible using rural generated green material around landscaping on center-divider strips or for weed control and erosion control along roadsides.

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**Supports Board Mandate:**

PRC 42230 et seq. established the Compost Market Program, which mandates state agencies to evaluate and promote the use of compost.

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**History:**



In 1994, the Board approved a contract concept for the use of \$395,000 for "Demonstration of the Agricultural Use of Compost." In August 1994, the Board augmented this contract by \$90,000. The five demonstration projects funded by this contract are focused in Fresno, Tulare, Stanislaus, Santa Cruz, and Santa Clara counties. In 1996, the Board approved \$50,000 for a sixth demonstration project in Southern California.

The Board also allocated \$50,000 in 1993 from AB 1220 funds and \$25,000 from FY 95/96 for agricultural outreach activities. Only a few hundred dollars from the second allocation remains uncommitted.

The 1996 Market Development Plan includes recommendations for activities to "[I]ncrease the use of compost and mulches by agriculture, landscapers, and nurseries" (page 6) and to "[I]ncrease the use of compost in agriculture and in the landscape and nursery industries by providing education to collectors, procurement officers, and compost users through compost outreach (education, demonstrations, guidelines, market information)" (Appendix 2, page 1).

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#### **Benefit to the Board:**

##### **Anticipated Results and Benefits:**

- increased use of municipally-derived compost and mulch in landscaping and nursery operations; and
- establishment of new markets for municipally-derived compost and mulch.

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#### **Budget Process:**

\$50,000 (\$10,000 for continuation of agricultural outreach efforts; \$40,000 for initiation of new effort oriented towards landscaping and nursery industries).

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**CONTRACT CONCEPTS  
FISCAL YEAR 1997-98**

Concept Number: 6-WPM-IWM  
Revised

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Requesting Party: Paul Relis  
Amount: \$25,000  
Fund: IWMA  
Primary Staff Contact: Caren Trgovcich

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Description: ASSESSMENT OF BARRIERS AND OPPORTUNITIES TO  
MAINTAIN AND INCREASE EXPORTS OF RECYCLABLE  
MATERIALS RECOVERED IN CALIFORNIA

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Overseas export markets absorb a significant portion of certain post-consumer materials recovered in California. In the case of fiber, export markets account for over 40 percent of the material recovered in California. Paper industry representatives confirm that maintaining and even increasing this export level will be critical to ensuring that viable markets exist for the increasing quantities of fiber now being collected in California.

Export markets clearly are greatly influenced by global economic and political factors beyond the control of the CIWMB. However, they also are influenced by more local factors, for example, the availability of appropriate collection and shipping infrastructure. The Board needs a clearer understanding of these factors so that it can determine where to focus its assistance efforts. To provide such an understanding, the contractor could perform the following potential tasks: 1) develop background information on technical, economic, and other factors that affect exports of post-consumer materials from California; 2) convene stakeholders in a facilitated workshop format to discuss barriers and opportunities for maintaining and increasing such exports; and 3) develop recommendations to the Board regarding maintenance and enhancement of exports. For this contract, fiber would be the primary focus, although exports of post-consumer plastic resins could be included if resources permit.

The contract could be with a trade organization or non-profit association with appropriate expertise in export issues. Potential stakeholders could include manufacturers, haulers and processors, local governments, ports, shipping companies, Trade and Commerce Agency, etc.

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**Supports Board Mandate:**

Deliverables from this contract would provide general support for the overall AB 939 mandate. The deliverables also would provide specific support for mandates such as:

- 1) PRC 40910 - "... assist local agencies in the ...  
implementation of integrated waste management plans."
- 2) PRC 40913(b) - "... shall provide information to local

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agencies on individual purchasers of diverted materials and on potential and actual local, regional, and statewide marketing opportunities for materials that are diverted from disposal facilities."

3) PRC 42000 et seq (market development)

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**History:**

Staff currently collects some export information for inclusion in the Board's "Quarterly Report on California's Recycling Markets" and assists the Trade and Commerce Agency on a case-by-case basis. However, no systematic analysis of barriers and opportunities related to export markets has yet been conducted. One of the priority activities in the 1996 Market Development Plan is to "Facilitate the development of export markets for all grades of waste paper."

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**Benefit to the Board:**

The primary benefits to the Board and its customers include: 1) enhanced potential for export markets to absorb additional California-derived recyclable materials and recycled-content products; 2) greater assistance to local jurisdictions and businesses in marketing materials and products overseas.

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**Budget Process:**

\$25,000

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**CONTRACT CONCEPTS  
FISCAL YER 1997-98**

Concept Number: 7-WPM-IWM

Revised

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Requesting Party: Paul Relis

Amount: \$50,000

Fund: IWMA

Primary Staff Contact: Caren Trgovcich (WP&MD), possibly Judy Friedman (DPLA)

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**Description: QUANTIFYING CALIFORNIA'S RECYCLING AND COMPOSTING INFRASTRUCTURE**

As local jurisdictions implement programs to divert 50% of their solid waste from landfills, both they and private companies are making critical decisions about investments in diversion, recycling manufacturing, and composting facilities. To provide better technical assistance to local jurisdictions and businesses considering such investments, the Board needs a thorough, up-to-date, and quantitative understanding of the recycling and composting infrastructure now operating or being built in California (e.g., location and capacity of processing facilities, manufacturing plants, and composting and mulching facilities). This information can help public and private investors assess key issues such as potential supplies of feedstocks and potential markets for new products.

Some information regarding existing operations and facilities in California is available, but it is not necessarily up-to-date and complete. This is particularly the case for compost and mulch operations and facilities and, to a lesser extent, for C&D and paper-related operations and facilities.

To obtain information about compost/mulch, C&D, and paper-related operations and facilities, the contractor will augment work done by CIWMB staff to perform the following tasks:

- 1) develop an appropriate database format for this information, one which is capable of being effectively maintained and updated by Board staff, without further assistance by contractors; being linked with GIS programs; and being made available electronically;
  - 2) gather the required information (using questionnaires, surveys, interviews, etc., as appropriate) on a voluntary basis from local governments and the private sector (with provisions for proprietary information if necessary); and
  - 3) provide a final report within six months, including a listing of collected information.
-

### **Supports Board Mandate:**

Deliverables from this contract would provide general support for the overall AB 939 mandate. The deliverables also would provide specific support for mandates such as:

- 1) PRC 40910 - "... assist local agencies in the ... implementation of integrated waste management plans."
- 2) PRC 40913(b) - "... shall provide information to local agencies on individual purchasers of diverted materials and on potential and actual local, regional, and statewide marketing opportunities for materials that are diverted from disposal facilities."
- 3) PRC 42000 et seq (market development)
- 4) PRC 42540 (assistance in implementing SRREs and CIWMPs)

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### **History:**

The Board has collected some of the relevant data as part of, for example, its cost modeling and waste characterization efforts and its ongoing market development efforts. Some information on MRFs and transfer stations is available from the SWIS database. However, comprehensive information regarding C&D, compost/mulch, and paper-related operations and facilities is still lacking.

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### **Benefit to the Board:**

The primary benefit to the Board and its customers will be an enhanced ability to assist jurisdictions and businesses in assessing potential infrastructure options.

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### **Budget Process:**

\$50,000 (\$35,000 if paper not included)

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## CONTRACT CONCEPTS FISCAL YEAR 1997-98

Concept Number: 8-DPL-IWM

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Requesting Party: Diversion, Planning and Local Assistance  
Division  
Amount: ~~\$153,000~~ \$108,000  
Fund: IWMA  
Primary Staff Contact: Pat Schiavo/Nancy Carr

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Description: WASTE CHARACTERIZATION DATABASE MAINTENANCE

A waste characterization database was developed for the Board which can provide jurisdictions with "default data" on their waste streams. It combines information on businesses in the jurisdiction with waste stream data typical for those types of businesses. In order to fully implement use of the database, the business information must be updated, and the latest waste characterization data available from haulers and field studies must be incorporated to reflect rapidly changing business patterns in the state. The usefulness, credibility, and applicability of the database, as well as the Board's effectiveness in providing technical assistance, depends on the accuracy of the data contained in the database.

This project will include, but not be limited to:

1. Purchasing a database to update information on the types and numbers of businesses in every jurisdiction in California;
2. Re-formatting the business database to merge with the existing Waste Characterization Database (in-kind support from CIWMB);
3. Obtaining data from haulers on amounts of waste typically disposed by various business types ("correlative factors") and cross-checking for accuracy;
4. Field characterization studies to fill data gaps for priority business targets and waste streams;
5. Statistical review and verification of field data;
6. Purchasing equipment and computer software upgrades needed to run the database and make it accessible to Board staff and local jurisdictions;
7. Developing an interactive Web page for use by local jurisdictions.

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### Supports Board Mandate:

The database will strongly support the Board's efforts to assist jurisdictions in meeting the 50% diversion goal. The database can provide direct technical assistance to jurisdictions to help them analyze their waste streams and plan cost effective diversion programs accordingly. Data can be provided to jurisdictions at very low to no cost.

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**History:**

The database is part of the Uniform Waste Characterization Method developed by the Board in response to legislative mandate (PRC section 41770). Jurisdictions may be required to use the method to conduct studies on their waste streams if they do not meet diversion goals. Jurisdictions may use the database to meet these requirements. The database provides "default data" to jurisdictions on characteristics of their local waste streams. Even when not required to conduct studies, all jurisdictions may use the database to develop or improve local diversion programs, such as targeting specific business types for direct assistance in source reduction and other waste diversion programs.

Since the database links waste stream data and local business data, the business database and correlative factors must be updated yearly for the waste stream data to be accurate and useful to local jurisdictions. Previously, updates were purchased as part of the method development contract, which has been concluded at this time.

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**Benefit to the Board:**

Considerable effort has been expended to develop the waste characterization data contained in the database through the Uniform Waste Characterization Method project. Data has been donated by local jurisdictions and haulers to make this the first database of its kind in the country. For this data to remain meaningful, it must be matched with the most current business and correlative factor information available. Without updates, jurisdictions and the Board will be forced to use information that is dated and inaccurate.

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**Budget Process:**

Based on estimates provided by the database developer, price quotes from vendors, and industry average estimates for field sampling studies, cost components include: business database purchase (\$22,000 including academic discount through UCLA), student labor costs and contractor oversight of students (\$30,000), field studies (\$45,000), statistical verification (\$7,000), equipment and software (\$3,500), Web page development (\$10,000) UCLA overhead/required indirect costs and miscellaneous costs (\$35,500).

## **CONTRACT CONCEPTS FISCAL YEAR 1997-98**

**Concept Number: 9-DPL-IWM**  
**Revised**

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**Requesting Party:** Diversion, Planning & Local Assistance Division  
**Amount:** \$75,000  
**Fund:** IWMA  
**Primary Staff Contact:** Kit Stycket

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**Description:** COOPERATIVE MARKETING CONTRACT

This contract would fund the implementation of a rural pilot cooperative marketing program.

A cooperative marketing program has the potential to assist rural jurisdiction's in identifying marketable materials in the waste stream, utilize more regional markets, create greater efficiencies in the collection and processing of materials, and attract new business development in rural communities.

Such a program would provide rural jurisdictions more cost-effective diversion of recyclable materials, while reducing local staff time and expense.

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**Supports Board Mandate:**

PRC section 41787.3 et seq. requires that the Board develop model programs and materials to assist rural cities and counties in achieving California's waste disposal reduction goals. The purpose of these models is to minimize the costs of compliance for rural jurisdictions, to the extent feasible.

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**History:**

In 1991, the Board published a study entitled, "Waste Diversion in Rural California." The report identified seven strategies to assist rural jurisdictions in meeting the 25% and 50% waste disposal reduction goals. One of these strategies was to encourage the development of cooperative marketing programs.

In March of 1995, the Board authorized staff to begin studying the feasibility of cooperative marketing in rural California. Staff presented recommendations and findings of that study at the January 1997 Local Assistance and Planning Committee meeting. The Committee directed staff to prepare a contract concept to establish a pilot cooperative marketing program in California.



**Benefit to the Board:**

**Anticipated Results and Benefits:**

A regional cooperative could:

1. Allow implementation of cost-effective disposal reduction programs, while reducing staff time and expense;
2. Stabilize markets for materials collected in rural areas and allow those communities to pursue regional markets;
3. Promote rural economic development through a regional flow of materials that could support processing and manufacturing firms;
4. Allow better information sharing between neighboring rural counties; and
5. Foster the development of regional programs and facilities that produce significant diversion.

---

**Budget Process:**

RFP, open to local jurisdictions, existing cooperatives, and public/private partnerships, to establish a pilot rural cooperative marketing program. Selection of successful bidder would be based upon likelihood the cooperative would be self-sustaining, the amount (or percentage) of the geographical areas' waste to be collected and marketed, and the transferability of the program to other areas. Matching funds and inclusion of other funding sources (such as grants) would be encouraged.

Several options are available to use the Board's funds: As start-up funds for the rural cooperative; to provide expertise (such as: market development or collection/processing strategies) needed by the cooperative; as the Board's share in a partnership such as with USEPA or the Regional Council of Rural Counties.

**CONTRACT CONCEPTS  
FISCAL YEAR 1997-98**

**Concept Number: 10-DPL-IWM**

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**Requesting Party:** Diversion, Planning & Local Assistance  
**Amount:** \$35,000  
**Fund:** IWMA  
**Primary Staff Contact:** Chris Schmidle

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**Description:** DEVELOP A MODEL AND ESTIMATE OF THE ECONOMIC  
ACTIVITY STIMULATED BY WASTE DIVERSION PROGRAMS,  
FACILITIES, AND MATERIALS MARKETS.

Under this contract, an economist specializing in economic flow analysis will develop a computerized economic input/output model to measure the important positive economic effects generated by waste diversion activities. This would include quantifying diversion facility construction and operations, and sales of the diverted materials that provide jobs and tax revenue for local communities. In addition, the consultant would investigate the indirect benefits, that is, the stimulation impact on an area's economy as the money circulates through the community.

The consultant will select a sample of representative jurisdictions and for each, produce an estimate of the employment, tax revenue, and business sales income produced by local diversion activities. By extrapolating the test area results, the consultant will develop an estimate of the total statewide economic impact.

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**Supports Board Mandate:**

The information will provide a positive economic rationale for increased local government support of diversion programs needed to reach the 50% waste reduction goal.

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**History:**

Many jurisdictions have told Board staff that they originally selected their waste diversion programs based on educated guesses about the most easily diverted materials or the most easily developed programs because they lacked good criteria to determine facility and program cost-effectiveness. In most jurisdictions, the cheap or easy solutions have already been implemented and funds for new strategies to meet the mandated 50% diversion goal in the year 2000 will be scarce. Jurisdiction staff have asked the Board for help in convincing local governments to commit additional funds by providing better information on costs and effects of waste diversion programs.

The Board is collecting expenditure data for its facility cost model and some diversion tonnage data in its annual reports. The Board has recently provided information assistance to a non-profit's study of the economic impacts of composting yard waste. This data and experience can be recycled for use in the proposed study.

This project was the top choice left on the "B (unfunded) list" in last year's contract competition. At the time, the Board requested that the project be submitted again for funding reconsideration.

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**Benefit to the Board:**

The products of such a study include:

- Reusable economic model of the relationship between diversion spending (inputs) and economic development (outputs).

- "Rule-of-thumb" economic impact multipliers for various economic sectors for use in other studies and estimates (for example: bond payback analysis, grant proposal analysis, and public presentations).

- Independent University-quality analysis of the benefits to a County/Region/State of supporting diversion programs.

- Possible Board publication of study in industry journals and/or business press.

The cost of not having this information is that the Board will have to continue to rely on mandate enforcement and general appeals to environmental good will as the only rationale for supporting waste diversion. Economic benefits will continue to not be available for use as a decision making tool by jurisdictions and an educational tool for the public because the supporting proof has not been quantified.

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**Budget Process:**

The requested amount was calculated using previous interagency agreements for similar services at other agencies and staff estimates of costs to complete the contract.

## CONTRACT CONCEPTS FISCAL YEAR 1997-98

Concept Number: 11-DPL-IWM  
11-DPL-OIL

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Requesting Party: Division of Planning & Local Assistance  
Amount: \$10,000 IWMA  
\$40,000 OIL (Split-funded for a total of \$50,000)  
Fund: IWMA/OIL  
Primary Staff Contact: Don Peri/ Chris Schmidle

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Description: DEVELOPMENT OF METHODS FOR ESTIMATING USED OIL AND  
OTHER TARGETED MATERIAL DIVERSION AMOUNTS

The contractor will develop methods and computer applications for jurisdictions to use in auditing and estimating the amount and type of used oil and other targeted materials diverted by recycling and source reduction programs. The used oil estimating and auditing methods developed are needed for local governments to ascertain program effectiveness. The audit methods, material types and classifications will be developed so the resulting data can be used by the Waste Prevention and Market Development and DPLA Divisions when making strategic decisions regarding program development in getting to 50% diversion and reducing illegal disposal of used oil.

The contractor will extrapolate from the sample of collected data to develop gross estimates of the amount of material being diverted locally, regionally and statewide. The contractor will also train selected jurisdiction personnel and Board staff in DPLA and Markets to use the estimation method and computer auditing application in the field. Existing data on types and amounts of selected diverted materials, including used oil, will also be gathered from a representative sample of volunteer urban and rural jurisdictions and material and used oil handlers.

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### Supports Board Mandate:

PRC Sections 40901 and 41821.5; Board collection of information on types and quantities of diverted materials from jurisdiction operated programs and private recyclers. PRC Section 48676(b); Board must determine used oil recycling rates statewide.

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### History:

PRC Section 40901 requires all jurisdictions to quantify the amount of diversion resulting from recycling and composting operations which they fund or operate. Jurisdictions report on diversion programs they fund or operate yearly in their Annual Reports to the Board, but the reporting of tonnage amounts and material types data is optional.

PRC Section 41821.5 requires all public and private sector recyclers and composters (material handlers) to quantify the type and tonnage amount of materials diverted to end uses by county of origin and report the information to the Board. Implementation of this section will require new regulations to direct material handlers on how and when to report.

During informal public workshops held in 1995 to discuss draft diversion regulations, jurisdictions and material handlers expressed dissatisfaction with the Board's proposed methods for a quarterly diversion data reporting system. Concerns were also expressed about the cost-effectiveness of the collection system and the time and cost burden of all end use transaction reporting. Commercial recyclers expressed concerns about reporting proprietary business data. Attendees suggested that the Board concentrate on collecting better information about a smaller number of strategically targeted material types.

Also, Board staff reviewing SRRE documents feel that many jurisdictions underestimated the amount of diversion in their base-year generation studies due to their inability to accurately estimate source reduction by commercial, industrial and institutional sources. Staff suggested development of a standard computer-automated model estimation method would assist the jurisdictions in future studies.

PRC Section 48676 requires the Board to determine statewide recycling rates for used oil generated by the public and to evaluate the results of programs funded by the Used Oil Fund. Used Oil Program staff recognize the inability of local governments to accurately determine the amount of lubricating oil sales and used oil generated and recycled. A model estimation method would assist the jurisdictions in program evaluation and assessment.

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#### **Benefit to the Board:**

The Board needs methods to evaluate local program effectiveness as well as a way to track local used oil recycling rates. Program staff will use the assessment results to evaluate different collection program methods and their efficacy. Local programs will then be directed through grants to use the most effective methods.

The Board is mandated to collect diversion information. Also, better diversion data is needed by the marketing division, as identified in the Board-approved market development plan, and to assist jurisdictions in targeting new or expanded diversion programs to reach the 50% goal.

Failure to develop a sampling-based diversion data collection system and an automated source reduction estimation method would result in higher costs to the Board and jurisdictions for use of complete and/or manual collection methods and less accurate data

reported by the jurisdictions.

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**Budget Process:**

The requested amount was calculated using past contract amounts for similar services and staff estimates of the hours needed to complete the contract.

**CONTRACT CONCEPTS  
FISCAL YEAR 1997-98**

**Concept Number: 21-DPL-OIL**

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**Requesting Party:** Diversion, Planning and Local Assistance Division  
**Amount:** \$50,000  
**Fund:** USED OIL  
**Primary Staff Contact:** Don Peri

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**Description:** PROMOTIONAL EXPENSES/EDUCATION

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The funds will be used to contract with the Department of Water Resources for public education program assistance and consultation, including the development and production of educational materials such as, video programs, public service announcements, posters, brochures, and other products. Through consultation, DWR will assist staff to implement the public outreach and educational component of the used oil program by tailoring appropriate messages for the target audiences.

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**Supports Board Mandate:**

Supports statutory requirement that the used oil recycling program develop and implement an information and education program for the promotion of alternatives to the illegal disposal of used oil.

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**History:**

As the program matures, the need to implement public education and outreach increases. DWR has the capability to advise in the development of methods to deliver messages and motivate the public to recycle oil.

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**Benefit to the Board:**

**Pro:** The used oil recycling program will be able to provide educational and outreach materials of a high quality in a timely manner to support its mandate. In house capabilities in many of the needed consulting services are not available.

**Con:** Without the assistance of the Department of Water Resources, the used oil recycling program would not be able to produce some educational materials, such as video productions. Projects could be put through the bidding process, however several years ago all Cal-EPA agencies were directed to contract with DWR for services they could provide.

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**Budget Process:**

The requested amount was based on staff's estimate of the cost and variety of anticipated projects.

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**CONTRACT CONCEPTS  
FISCAL YEAR 1996-97**

Concept Number: 22-DPL-OIL

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Requesting Party: Diversion, Planning and Local Assistance Division  
Amount: \$100,000  
Fund: USED OIL  
Primary Staff Contact: NATALIE LEE

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Description: PROMOTIONAL EXPENSES WITH DEPARTMENT OF MOTOR VEHICLES

The funds will be used to contract with the Department of Motor Vehicles for costs to include the used oil program recycling logo and advertisements in DMV materials such as the driver's handbook and mailing envelopes.

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**Supports Board Mandate:**

Supports statutory requirement that the Used Oil Recycling program develop and implement an information and education program for the promotion of alternatives to the illegal disposal of used oil.

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**History:**

The Board previously had an interagency agreement with the DMV for imprinting of messages on envelopes and translation services, this IAA was amended in 1996 to extend the translation services portion only. Recently, new opportunities for imprinting of messages on DMV materials became available.

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**Benefit to the Board:**

Pro: The used oil recycling program will be able to provide a used oil recycling message in over 60 million mailings and place an additional 4 million messages in drivers handbooks per year. This distribution channel is extremely cost effective in terms of numbers of people reached per cost and provides the Board the opportunity to reach a targeted audience of licensed drivers. Current surveys of the Board's hotline have shown a large percentage of used oil calls are generated by current DMV mailings.

Con: Without the assistance of the DMV, the used oil program would not be able to economically reach all licensed drivers in the state. Projects could be pursued under the bidding process, however this would not be nearly as economical.

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**Budget Process:**

The amount is based on previous interagency agreement billings and staff's estimate of the cost and variety of anticipated projects.



**CONTRACT CONCEPTS  
FISCAL YEAR 1997-98**

Concept Number: 32-EXE-IWM  
32-EXE-OIL  
32-EXE-TIRE

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Requesting Party: Executive Office  
Amount: \$46,750 IWMA  
\$29,750 OIL  
\$8,500 TIRE (Split-Funded for a total of \$85,000)  
Fund: IWMA, Oil, Tire  
Primary Staff Contact: Susan Pedersen

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**Description: INTEGRATED TECHNICAL TRAINING PROGRAM (ITTP)**

The ITTP was created in 1996-97 fiscal year as a collaborative effort among Integrated Waste Management Board (IWMB) line divisions and key constituents. The ITTP has been created to 1) meet mandated requirements by providing technical training to our constituents, who have also requested such training; 2) establish a means for Board performance expectations to be met by our constituents; 3) serve as a vehicle for consistent understanding and implementation of Board policies and programs; and 4) support Board staff to receive similar training that will enable them to successfully perform their implementation and oversight roles as they relate to Board constituents. As such, the ITTP has enabled the Board to target our limited training resources and develop training that is aligned with and driven by our organizational needs while enhancing Board staffs' and constituents' performance.

Due to the strain on the limited training dollars, this proposal requests additional funds to support the furtherance of the ITTP. The activities may include:

- technical training based upon needs and performance assessments
- curriculum development
- training material development;
- reimbursement for stakeholder attendance of courses and reimbursement for instruction by constituent subject matter experts;
- joint sponsorship of a solid waste management conference on emerging and critical issues; and
- annual renewal/ maintenance of an ITTP course catalog.

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**Supports Board Mandate:**

This proposal satisfies AB 59 requirements for constituent training as well as related requirements in AB 1220.

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## **History:**

In the 1996-97 fiscal year, a majority of the staff training budget was dedicated to funding the new ITTP. In the face of shrinking resources and the increased delegation of solid waste management program responsibilities to local governments, training efforts become particularly critical to ensure effective implementation of Board policies and mandates.

Training for Local Enforcement Agencies (LEAs) in the past year have utilized this approach and have met with praise and support from both Board staff and Board constituents. The program thus far has begun to produce training with more efficient coordination, a deeper constituent/customer focus, more efficient use of resources, and a consistent integrated message about IWMB training.

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## **Benefit to the Board:**

**Pro:** This proposal enables the Board to 1) upgrade the skills of both Board staff and constituents to successfully implement Board policies and programs; 2) allows our training to be delivered in a cost-effective manner; 3) enhances the Board's profile as the forerunner in the provision of state-of-the-art, targeted solid waste management training, information dissemination, and technical assistance in California; and 4) allows for provision of other types of internal technical training needs that are not currently funded due to past year funding of the ITTP.

**Con:** Failure to fund this proposal will limit our ability to respond to our mandated requirements for training and curtail our ability to meet program-related technical training needs requested by our constituents and Board staff.

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## **Budget Process:**

The \$85,000 funding request was determined from past year costs for the first year of the ITTP. By funding this proposal, the Board's training budget will be augmented providing needed support for both staff and constituent training in the 1997-98 fiscal year.

# CONTRACT CONCEPTS FISCAL YEAR 1997-98

Concept Number: 33-WPM-IWM

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Requesting Party: Wesley Chesbro  
Amount: \$25,000  
Fund: IWMA  
Primary Staff Contact: Caren Trgovich

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## Description: WINE BOTTLE REUSE DEMONSTRATION PROJECT

This project would partner with the Wine Studies department at U.C Davis through in interagency agreement to perform a demonstration project on wine bottle reuse.

Currently, wine bottles are collected in most curbside collection programs but are not part of the 2020 redemption program. Most wineries recycle the wine bottles used in their tasting rooms, but very limited wineries reuse the bottles. As we have done in the past with compost demonstration projects, providing wineries will a demonstration site will give them a chance to talk with "their own" and hear about the benefits and challenges of bottles reuse.

Although the cost to purchase reused wine bottles is cheaper than new bottles, most wineries are hesitant to use "reused" bottles because of the perceived perception from consumers. This project will study the cost and success of the used bottles. This demonstration would partner local governments, the reuse bottle industry and academic advisors.

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## Supports Board Mandate:

PRC Section 40051(a)(1) asserts source reduction (waste prevention) to be the top priority for the efforts to getting to 50%.

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## Benefit to the Board:

- Developing markets for reuse that would benefit local governments.
- Increased education to wineries and the general public about reuse.
- Increased communication between the Board and the wine industry about reuse and other waste management issues.

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## Budget Process:

\$25,000 anticipated costs for U.C. Davis staff time and reporting back to the Board.

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## **CONTRACT CONCEPTS FISCAL YEAR 1997-98**

**Concept Number: 34-DPL-OIL**

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**Requesting Party: DPLA**

**Amount: \$150,000.00**

**Fund: Used Oil Fund - Promotional expenses/education**

**Primary Staff Contact: Natalie Lee**

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**Description:** The funds will be used to support existing efforts for used oil public education/outreach. Activities may include the development and production of educational materials, participation and support of conferences and workshops, purchase of advertising, and development of editorial support, etc.

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**Supports Board Mandate:**

Supports statutory requirement that the CIWMB develop and implement an information and education program for the promotion of alternatives to the illegal disposal of used oil. The used oil recycling program will be able to provide educational and outreach materials of a high quality in a timely manner to support its mandate with this approved concept.

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**History:**

As the program matures, the need to implement public education and outreach increases. Existing efforts often require support to further the distribution of materials, or complement the activities of existing contracts.

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**Benefit to the Board:**

**Pro:** The Program will have an approved vehicle for a specific contract to be determined later.

**Con:** A separate item will have to be taken to the board to approve a contract concept.

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**Budget Process:**

The requested amount was based on the actual expenditures in previous fiscal years and projected level of effort for FY 97/98.

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**CONTRACT CONCEPTS  
FISCAL YEAR 1997-98**

Concept Number: 41-BRD-IWM

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**Requesting Party:** Boardmember Janet Gotch

**Amount:** \$40,000

**Fund:** IWMA

**Primary Staff Contact:**

Arnie Sowell and/or Tammy Petsalis

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**Description:**

This contract concept would provide funding for the Board to partner with local government, nonprofit organizations, private industry, school districts, foundations, day care centers, etc. to produce one or more model playgrounds made from recycled materials.

The Department of Health Services during the current fiscal year will release its new playground design and safety regulations. California playgrounds must meet these new design and safety specifications by the year 2000. AB 1055 currently seeks to provide funding to adhere to these proposed playground regulations.

This project would allow the Board to assist in the construction of a model playground made from recycled materials that uses the new design and safety regulations.

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**Supports Board Mandate:**

Promotes recycling and market development.

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**History:**

The Board has funded R & D on playground safety matting and in 1996-97 and 1997-98 allocated tire funding for playground safety mat grants.

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**Benefit to the Board:**

Increases the use of recycled materials particularly plastics, tires, compost/mulch, steel, aluminum, etc. in playground construction.

Promotes markets for those recycling-based industries that deal in these materials.

Other benefits include the increased safety provided to California kids.

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**Budget Process:**

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**CONTRACT CONCEPTS  
FISCAL YEAR 1997-98**

Concept Number: 42-BRD-IWM

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**Requesting Party:** Boardmember Janet Gotch

**Amount:** \$25,000

**Fund:** IWMA

**Primary Staff Contact:**

Arnie Sowell and/or Tammy Petsalis

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**Description:**

This contract would expand the Board's demonstration sites to increase the use of compost/mulch on wine grapes. Among others, this promotion will occur through partnerships between local government, private industry, the academic community, technical alliances, compost/mulch producers vintners, and the nonprofit sector.

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**Supports Board Mandate:**

This contract concept is in keeping with the Board's hierarchy of composting and recycling.

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**History:**

The Board has funded a number of compost demonstration projects. The San Jose demonstration had a component that dealt with wine grapes. Unfortunately, a representative statistical analysis of compost on wine grape yields, etc. was inconclusive as various problems occurred in the actual logistics of the demonstration project.

Most recently, during the Board's March legislative tours, we sponsored a tour of the Frog's Leap Winery. This winery uses organic viticulture and cares for their soils by building an organic layer using compost.

The Board needs to conduct a conclusive compost demonstration project on wine grapes.

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**Benefit to the Board:**

Expand the use of compost in the wine producing regions of the state.

Increased wine grape yields.

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**Budget Process:**

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**CONTRACT CONCEPTS  
FISCAL YEAR 1997-98**

Concept Number: 43-DPL-IWM

Requesting Party: DPLA  
Primary Staff Contact: Pat Schiavo

Amount: \$100,000  
Fund: IWMA

**Description:** Statewide characterization of disposed wastes, including rigid plastic packaging containers.

This contract would provide the Board with an updated characterization of the major waste types still being disposed in California, along with detailed data on rigid plastic packaging containers (RPPC).

The scope of work consists primarily of three tasks:

- 1.) Develop a representative sample of at least 10 landfills in various regions of California.
- 2.) Using the Board's standard characterization method, sample the selected sites to determine the type and quantity of materials being disposed, including subcategories of RPPC's.
- 3.) Compile and analyze the data for specified regions, and prepare a comprehensive report supporting the methodology and describing summary results.

**Supports Board Mandate:**

PRC 41770 (waste characterization) and 42310 (recycling of RPPC's)

**History:**

One of the Board's missions is to improve the management of solid waste in California to conserve resources, and develop sustainable recycling markets. To accomplish this requires updated information. Board staff frequently receive questions from the public, jurisdictions, the media, and manufacturers about the types and amounts of materials in the state's waste stream. However, the Board does not have good information on the types and amounts of materials currently disposed. The only previous study, done in 1992, was a simple compilation of the individual jurisdiction studies that were used to establish base-year data in jurisdictions' Source Reduction and Recycling Elements. Most of those studies are now 7 years out of date. Some of the jurisdiction surveys have since been found to contain measurement errors and most of the studies used different sampling protocols. As a result, staff is unable to provide useful characterization data to the public. A new statewide and regional study would provide the Board with much more accurate and reliable disposal information.

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Also, the legislature passed the Rigid Plastic Packaging Containers (RPPC) Act in Senate Bill 235 (SB 235) in 1991 and amended it in SB 951 in 1993. The Act was codified in Public Resources Code (PRC) Title 14, Chapter 5.5, Articles 1 through 5. The Act requires product manufacturers to provide certification of the recycled content, the source reduction, or the recycling rate of RPPC packaging on or after January 1, 1995. Specifically, PRC Section 42310 requires all RPPC's (8oz. to 5 gallons) made or sold in California to meet one of the following: contain 25% recycled post-consumer content, be recycled at an overall rate of 25% (55% for PETE), be reusable or refillable 5 times, or be source-reduced by 10%. The plastics industry has indicated that they prefer to use the recycling standard to meet the requirements of the Act; however, previous initiatives by the industry to develop estimates of the actual RPPC recycling rate have been difficult, expensive, and of limited reliability.

The Board has developed a fairly simple and accurate standard method of characterizing and measuring waste disposal in landfills, which can also include sub-sampling of RPPC material types. While disposal data alone cannot be used to determine the RPPC recycling rate, it would provide an independent estimate of the numerator for the needed calculation.

#### **Benefit to the Board:**

##### **Pros:**

Characterizes the types and amounts of materials still going into landfills, and thereby improving the data support for targeted diversion programs and material marketing efforts. Shows statewide and regional progress in disposal reduction by material type when compared to base-year studies done by jurisdictions in their SRREs.

Serves as a partial crosscheck to disposal data in previous RPPC studies presented by the American Plastics Council.

Develops a denominator for future use in a formula which would calculate a recycling rate for RPPC as mandated by PRC 42310.

Allows cross-regional analysis of disposal problems and diversion efforts by using a single standard sampling and characterization method across the state.

Adds to the Board's database of characterization information available to assist jurisdictions with waste analysis problems.

The cost of adding subcategories such as RPPC types to a standard waste sort is marginal.

Gaining the benefit of a comprehensive study that is monetarily supported by several outside parties.

4-38



**Cons:**

Consumes scarce contract funds, which could be used for other studies.

Landfill-based studies do not yield as much useful information as more expensive generator-based waste disposal surveys.

**Budget Process:**

The overall project is expected to cost approximately \$250,000. This amount was calculated using the costs paid for similar services, and the advice of independent industry experts. Completion of this project should be contingent upon support of other interested parties. While the Board would propose to contribute up to \$100,000, other interested parties, such as the Federal Government, local communities and even interested businesses would be expected to support this effort with the remaining \$150,000 necessary to complete the project.

**CONTRACT CONCEPTS  
FISCAL YEAR 1997-98**

Concept Number: 44-OIL-IWM  
Revision #3

**Requesting Party:** DPLA/WPMD Divisions

**Amount:** \$100,000

**Fund:** Used Oil Fund- Promotional expenses/education

**Primary Staff Contact:** Bob Boughton & Tom Estes

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**Description:** PROMOTIONAL EXPENSES WITH THE CITY OF LOS ANGELES  
FOR OUTREACH TO RESIDENTIAL AND COMMERCIAL LANDSCAPERS

The funds will be used in conjunction with the City of Los Angeles' grasscycling Spring campaign for public education/outreach. Activities may include the development and production of educational materials, participation and support of events, purchase of advertising, collateral, and development of editorial support to residential and commercial landscapers.

This regional pilot campaign encompasses both Los Angeles and Orange Counties. The campaign incorporates several environmental messages including air, water, solid and household hazardous waste issues including proper used oil management. Through this pilot campaign the proper recycling of used oil as well as source reduction of used oil generation will be promoted. Other participants in the program include Southern California Edison, Los Angeles Department of Water and Power, the Air Resources Board, and the Southern California Air Quality Management District.

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**Supports Board Mandate:**

Supports statutory requirements [PRC 48631(c)] that the CIWMB develop an information and education program for the promotion of alternatives to the illegal disposal of used oil. The used oil recycling program along with the yard waste prevention program will be able to provide education and outreach materials of a high quality in a timely manner to support its mandate with this approved concept.

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**History:**

As the program matures, the need to implement public education and outreach increases. Existing efforts often require support to further the distribution of materials, or complement the activities of existing contracts.

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**Benefit to the Board:**

**Pro:** The Program will have an approved vehicle for a specific contract to be determined later.

**Con:** A separate item will have to be taken to the board to approve a contract concept that will impact the rollout planned for Spring of 1998.

Budget Process: The amount is based on staff's estimate of the cost and variety of anticipated projects.

Division Liaison Review

Date

Branch Manager

Date

Deputy Director Approval

Date

# **California Integrated Waste Management Board**

## **Board Meeting**

**November 19, 1997**

### **AGENDA ITEM 5**

#### **ITEM:**

**CONSIDERATION OF A \$25,000 FUNDING REQUEST FOR THE BAY AREA SHOP SMART CAMPAIGN**

#### **I. SUMMARY**

The Board Members received letters from thirteen (13) governmental entities requesting funding support for the "San Francisco Bay Area Shop Smart" campaign in the amount of \$25,000. The entities included the cities of Winters, Daly City, San Leandro, Millbrae, Gilroy, Burlingame, Milpitas, Santa Clara, Palo Alto, and the City of Oakland; the counties included Contra Costa, Santa Clara, and San Mateo. Copies of their letters are attached to this item.

#### **II. PREVIOUS (BOARD OR COMMITTEE) ACTION**

In 1994, the California Integrated Waste Management Board contributed \$150,000 through the Waste Prevention Education Partnership with the California State Association of Counties (CSAC), the Local Government Commission (LGC), and the League of California Cities (League) through contract funds available at that time.

On November 4, 1997, the Administration Committee voted 2-1 to send this item to the full Board without a recommendation.

#### **III. OPTIONS FOR THE BOARD OR COMMITTEE**

- A. Postponed any action, pending development and approval of Board policy in December regarding fundings for these types of requests.
- B. Approve request for funds and direct staff to identify funding source available.
- C. Deny request.

#### **IV. STAFF RECOMMENDATION**

None

#### **V. ANALYSIS**

The first *Shop Smart: Save Resources and Prevent Waste* campaign was conducted in 1996. The campaign lasted three and a half weeks, from January 7 through January 31,

1996. The campaign combined in-store materials with a major media campaign to promote waste prevention and buying products made from recycled materials. In particular, the campaign focused on seven waste prevention and buy recycled messages. The campaign was a unique public-private partnership, with 103 cities and counties in the Bay Area working with 225 supermarkets and retail stores to bring shoppers messages about the importance of waste prevention and buying products made with recycled content. The total cost of the campaign exceeded \$350,000 (not including staff time).

**Background:**

The Board has received additional requests for funding since the original contract with CSAC and LGC. However, because of funding limitations, the Board has not provided funds for additional campaigns.

**VI. FUNDING INFORMATION**

**Redirection:**

If Redirection of Funds: \$25,000

Fund Source: IWMA

Line Item:

**VII. APPROVALS**

Prepared By:	<u>Phillip Moralez</u> <i>PM</i>	Phone:	<u>255-2345</u>
Prepared By:	<u>Rick Beard</u> <i>RB</i>	Phone:	<u>255-2290</u>
Reviewed By:	<u>Judith J. Friedman</u> <i>JJF</i>	Phone:	<u>255-2376</u>
Reviewed By:	<u>Karin Fish</u> <i>KF</i>	Phone:	<u>255-2269</u>
Reviewed By:	<u>A. Keith Smith</u> <i>A. Keith Smith</i>	Phone:	<u>255-2185</u>
Legal Review:	_____	Date/Time:	_____

# **California Integrated Waste Management Board**

## **Board Meeting**

**November 19, 1997**

### **AGENDA ITEM 13**

#### **ITEM:**

#### **CONSIDERATION OF THE PROPOSED 1997 WASTE REDUCTION AWARDS PROGRAM (WRAP) "WRAP-OF-THE-YEAR" WINNERS**

##### **I. SUMMARY**

This item is before the Board seeking approval of the proposed 1997 "WRAP of the Year" winners.

The 1996 Waste Reduction Awards Program (WRAP) cycle marked the first time that selected WRAP winners were further evaluated and ten businesses were designated as "WRAP of the Year (WOTY)" winners. Modeled after the CALMAX "Match of the Year" awards, WOTY recognizes industry leaders who practice the full range of waste reduction activities and who can be held aloft as shining examples to the rest of their industry.

##### **II. COMMITTEE ACTION**

At the time this item was prepared no previous Committee action had been taken on the 1997 WOTY designations.

##### **III. OPTIONS FOR THE BOARD**

Board members may decide to:

1. Accept the selections of the "WRAP of the Year" evaluating panel and recommend that the Board approve the list of proposed 1997 "WRAP of the Year" winners; or
2. Direct the evaluating panel to further evaluate the list of proposed 1997 "WRAP of the Year" winners.

##### **IV. STAFF RECOMMENDATION**

Staff recommends the Board accept the selections of the "WRAP of the Year" evaluating panel and approve the list of proposed 1997 "WRAP of the Year" winners.

## V. ANALYSIS

### Background:

The Waste Reduction Awards Program (WRAP) is an annual program, established in 1993 by the California Integrated Waste Management Board (CIWMB). WRAP recognizes California businesses that have made outstanding efforts to reduce nonhazardous waste and send less garbage to our landfills. "WRAP of the Year" (WOTY) recognizes several of the best examples of these. This additional recognition first took place in 1996.

The FY 96/97 WRAP contract provides that WRAP winners would be further evaluated and those with especially outstanding efforts -- those that not simply satisfy but surpass the full range of WRAP criteria -- would be recognized as industry leaders who practice the full range of waste reduction activities and who can be held aloft as shining examples to the rest of their industry.

### Key Issues:

#### The 1997 WOTY selection process was as follows:

Staff analyzed 1997 WRAP winners and selected those businesses with scores of 95% or higher (79 in all).

Drawing from rough criteria such as waste types generated, waste reduction achievements, and business types represented, staff winnowed the candidate pool to 47 business having WOTY potential. Staff then grouped and regrouped the candidate businesses into 9 major categories, and one at-large or miscellaneous category. While past winners of WOTY were not ineligible for candidacy, staff did not include any businesses which were 1996 WOTY winners for the final 1997 pool.

Staff developed evaluation guidance criteria by which to analyze and determine which, if any, of the candidate businesses should be selected as the WOTY recipient in that category. (Please see Attachment 3.)

An evaluation panel consisting of Advisors/Committee Analysts was formed to consider the candidates and, using the guidance criteria, select proposed winners (a method similar to the CALMAX "Match of the Year" process). The panel had the option of selecting multiple, or even no, winners in a given category. Each panel member individually reviewed all of the WOTY candidates. The panel met with staff to initiate and finalize the selection process, to discuss progress and ask questions, and ultimately select the proposed WOTY winners.

**Fiscal Impacts:**

Any costs associated with this action are minimal and are accounted for within the scope of the existing WRAP contract.

**Findings:**

Not applicable.

**VI. FUNDING INFORMATION**

Not applicable.

**VII. ATTACHMENTS**

1. List of proposed 1997 WRAP of the Year winners.
2. List of 1997 WRAP of the Year candidates evaluated by the panel.
3. Evaluation guidance criteria.
4. Board Resolution Number 97-520.

Attachments will be included in Board Members' and Executive Office's packets. Other interested parties may obtain copies by contacting Linda Hennessy, WRAP Coordinator, at (916) 255-2497.

**VIII. APPROVALS**

Prepared By:	<u>[Signature]</u>	Phone:	<u>255-2497</u>
Prepared By:	<u>[Signature]</u>	Phone:	<u>255-2492</u>
Reviewed By:	<u>[Signature]</u>	Phone:	<u>255-2490</u>
Reviewed By:	<u>[Signature]</u>	Phone:	<u>          </u>
Reviewed By:	<u>          </u>	Phone:	<u>          </u>



**Proposed 1997 WRAP of the Year Winners**

Fetzer Vineyards

Hewlett Packard Company, Cupertino Site

Hillside Press

Imation Corp

Pepsi Cola Bottling Fresno

Plaza Camino Real

San Francisco Hilton and Towers

Sea World

St. Bernadine Medical Center

Warner Bros.

November 19, 1997

Attachment 2

## 1997 WRAP of the Year Candidates

### SERVICES - AMUSEMENT/RECREATION

Crystal Springs Golf Course  
Northstar-at-Tahoe  
Sea World  
Twentieth Century Fox Film Corporation  
Warner Bros.  
Yosemite Concession Services

### SERVICES - ENGINEERING/CONSULTING

Andrade Architects  
EMCON (San Jose)  
EMCON (Burbank)

### MANUFACTURING - PRINTING

Auburn Printers  
Bertelsmann Industry Services, Inc.  
Hillside Press  
Standard Register  
The Village Printer

### MANUFACTURING - COMPUTERS/ELECTRONICS

Hewlett Packard Company, Cupertino Site  
Hewlett Packard California Analytical Division (Palo Alto)  
Imation Corp.  
Intel Corporation  
NCR Corporation  
TRW Avionics Systems Division

### SERVICES - HEALTH & BIOTECH

Allegiance Healthcare Corporation  
Baxter Healthcare, Biotech Group  
Bayer Corporation  
Kaiser Permanente - Sherman Way Regional Laboratories  
McGaw, Inc.  
St. Bernadine Medical Center

### SERVICES - MISC. BUSINESS SERVICES

Bank Of America , Livermore Depot  
Gardener's Guild, Inc.  
Greenmail Inc.

### SERVICES - LODGING

Doubletree Hotel at Fisherman's Wharf  
San Francisco Hilton and Towers  
The Westin San Francisco Airport

### MANUFACTURING - FOOD/BEVERAGE

Fetzer Vineyards  
Pepsi Cola Bottling Fresno  
Traditional Medicinals

### OTHER MANUFACTURING

California Cedar Products Company  
Chevron Products Company - El Segundo Refinery  
Fender Musical Instruments Corp.  
Formulabs, Inc.  
Mattel , Inc.  
Nissan Motor Corporation  
Smurfit Newsprint Corporation of California

### MISCELLANEOUS

Autry Museum of Western Heritage  
Encore Ribbon, Inc.  
EverGreen Glass, Inc.  
Pacific Corporate Towers  
Plaza Camino Real

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Attachment 3

**1997 WRAP of the Year Scoring Methodology/Criteria**

Business Name \_\_\_\_\_

Business Category \_\_\_\_\_

Using a scale of 1 to 5 (where 1 = very poor, 2 = poor, 3 = fair, 4 = good, and 5 = very good), please rate this candidate business on how well it fulfills the following criteria. While evaluating, reviewers may wish to compare candidates within each Business Category, or consider each separately.

- \_\_\_\_\_ 1. Does this business divert a substantial amount or a large percentage of their waste from the landfill (see question #33, answer to question #38, and any other supplemental information provided)?
- \_\_\_\_\_ 2. How would you rate the quality of this business' employee education program (see questions #18 - 22) and customer waste reduction awareness activities (see questions # 27 c, 28 d, 29 f, and supplemental information provided)?
- \_\_\_\_\_ 3. How well did this business document its overall waste reduction efforts (see questions # 24, 25, 33 and 38)?
- \_\_\_\_\_ 4. Has the business improved their efforts over time (see any supplemental information provided and question # 40)?
- \_\_\_\_\_ 5. How well has this business implemented the full range of WRAP considered concepts (i.e.-- reduce; reuse; recycle; employee and/or customer education; and, purchase and/or manufacture of recycled content products)?
- \_\_\_\_\_ 6. How would you rate this business' efforts to incorporate (use or manufacture) recycled products into its activities (see questions #26 - 32)?
- \_\_\_\_\_ 7. Does the business have a strong public relations value for the CIWMB?
- \_\_\_\_\_ 8. Can this business' accomplishments be readily implemented by other businesses (e.g.-- is it a realistic role model)?
- \_\_\_\_\_ 9. Did this business put a substantial amount of effort into preparing the application (is it legible, complete, and does it contain useful supplemental information)?
- \_\_\_\_\_ 10. What is your "gut feeling" about selecting this business as a WRAP of the Year winner?

## **CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**

### **Resolution 97-520**

#### **CONSIDERATION OF THE PROPOSED 1997 WASTE REDUCTION AWARDS PROGRAM (WRAP) "WRAP-OF-THE-YEAR" WINNERS**

**WHEREAS,** The business community produces approximately one half of all the waste generated in California; and

**WHEREAS,** The Waste Reduction Awards Program (WRAP) recognizes those businesses that have taken effective measures to reduce the amount of waste going to landfills; and

**WHEREAS,** The WRAP of the Year designation provides the opportunity to recognize businesses as industry leaders in their successful efforts to maximize resource efficiency while strengthening their bottom line,

**NOW, THEREFORE, BE IT RESOLVED** that the Board hereby designates the following California businesses as the 1997 WRAP of the Year winners.

### **CERTIFICATION**

The undersigned Executive Director, or his designee, of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on November 19, 1997.

Dated:

Ralph E. Chandler  
Executive Director

# California Integrated Waste Management Board

## Board Meeting

November 19, 1997

### AGENDA ITEM 14

#### ITEM:

CONSIDERATION OF STAFF RECOMMENDATION ON THE ADEQUACY OF THE HOUSEHOLD HAZARDOUS WASTE ELEMENT FOR THE CITY OF CAPITOLA, SANTA CRUZ COUNTY

#### I. SUMMARY

The City of Capitola has participated in the county-managed Household Hazardous Waste (HHW) program since 1991, when the two countywide permanent HHW collection facilities opened. The multi-jurisdictional program incorporates reuse and recycling of recyclable HHW as part of the collection facilities, and includes a Public Awareness and Information Program. The City does not plan to implement any city-sponsored HHW programs, but plans to continue participation in the county-managed HHW programs.

#### HHWE

This HHWE does not adequately address the requirements of 14 CCR section 18750 et. seq. for the following areas:

HHWE Adequacy	Yes	No	HHWE Adequacy	Yes	No
Goals and Objectives	X		Program Implementation		X
Existing Conditions	X		Monitoring and Evaluation	X	
Alternatives Evaluation	X		Education and Public Information	X	
Program Selection	X		Funding	X	

November 19, 1997

**Explanation of any "No" responses:**

Program Implementation: The City of Capitola does not plan to implement any city-sponsored programs. Due to the City selecting to participate solely in the county-managed Multi-jurisdictional HHW programs, the City must provide a copy of an inter-jurisdictional agreement, or memorandum of understanding, between the City of Capitola and the County of Santa Cruz, describing the HHW programs that will be managed through the inter-jurisdictional agreement.

Staff recommends a conditional approval for the City of Capitola Household Hazardous Waste Element. As a condition, the City must provide a copy of an inter-jurisdictional agreement, or memorandum of understanding, between the City of Capitola and the County of Santa Cruz, identifying the HHW programs supported by the City that will be managed by the county through an inter-jurisdictional agreement.

**II. PREVIOUS (BOARD OR COMMITTEE) ACTION**

At the time this agenda item was prepared, the Local Assistance and Planning Committee had not yet met to take action.

**III. ATTACHMENTS**

- 1: Resolution NO. 96-377 Conditional Approval for the HHWE for the City of Capitola.

**IV. APPROVALS**

Prepared by: Jenifer Kiger *JAK* Phone: (916) 255-2309

Reviewed by: Lloyd Dillon *on for W* Phone: (916) 255-2303

Reviewed by: Lorraine Van Kekerix *Dr for LVK* Phone: (916) 255-2670

Reviewed by: Judith J. Friedman *JJF* Phone: (916) 255-2555

Legal Review: Elliot Block *E* Date/time:

## ATTACHMENT 1

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD  
RESOLUTION NO. 96-377

FOR CONSIDERATION OF CONDITIONAL APPROVAL OF THE HOUSEHOLD HAZARDOUS WASTE ELEMENT FOR THE CITY OF CAPITOLA, SANTA CRUZ COUNTY

WHEREAS, Public Resources Code (PRC) Sections 40900 et seq. describe the requirements to be met by cities and counties when developing and implementing integrated waste management plans; and

WHEREAS, PRC Section 41500 requires that each city draft and locally adopt a Household Hazardous Waste Element (HHWE) which identifies a program for the safe collection, recycling, treatment, and disposal of household hazardous waste for the city; and

WHEREAS, California Code of Regulations (CCR) Title 14, Section 18767 requires that each jurisdiction ensure that the California Environmental Quality Act has been complied with prior to adopting a HHWE; and

WHEREAS, The City of Capitola drafted and adopted their final HHWE in accordance with statute and regulations; and

WHEREAS, The City of Capitola submitted their final HHWE to the Board for approval which was deemed complete on August 7, 1996. The Board has 120 days to review and approve or disapprove of the Element; and

WHEREAS, The HHWE was withdrawn on August 30, 1996 to allow the City to supply additional information. The document was later resubmitted on October 27, 1997. No additional information was submitted; and

WHEREAS, based on review of the HHWE, Board staff found that not all of the foregoing requirements have been satisfied. The implementation component does not include a copy of an inter-jurisdictional agreement, or memorandum of understanding, between the City and the County of Santa Cruz, identifying the HHW programs that will be implemented and managed by the county, or the City's contribution to support the multi-jurisdictional programs, thus the HHWE does not substantially comply with PRC 41500, et seq., and

WHEREAS, CCR Section 18785 provides that the Board may conditionally approve HHWEs, and Board staff recommends that the City's HHWE be conditionally approved; and

NOW, THEREFORE, BE IT RESOLVED that the Board hereby conditionally approves the Household Hazardous Waste Element for the City of Capitola. As a condition, the City must provide a copy of an inter-jurisdictional agreement, or memorandum of understanding, between the City of Capitola and the County of Santa Cruz, identifying the HHW programs supported by the City that will be managed by the county through an inter-jurisdictional agreement. The City of Capitola must also submit a compliance schedule to the board within 60 days from the date of the conditional approval letter, which demonstrates how the City will correct the deficiencies.

#### CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on November 19, 1997.

Dated:

Ralph E. Chandler  
Executive Director



# **California Integrated Waste Management Board**

## **Board Meeting**

**November 19, 1997**

### **AGENDA ITEM 15**

#### **ITEM:**

**CONSIDERATION OF APPOINTMENT OF MEMBERS TO THE LOAN COMMITTEE FOR THE RECYCLING MARKET DEVELOPMENT ZONE LOAN PROGRAM**

#### **I. SUMMARY**

There are currently four representatives on the Recycling Market Development Zone Loan Committee (Committee) whose terms will expire December 31, 1997. Three of those members are seeking reappointment and one member is resigning from the Committee. As a result of the recent regulation change, two additional member positions were added to the Committee. This agenda item recommends reappointing the three existing members for another term and filling the three vacancies created by: the change in regulations (two positions), and the resignation (one position).

#### **II. PREVIOUS BOARD ACTION**

At its November 6, 1997 meeting, the Market Development Committee recommended approval of Resolution 97-504, which reappoints the three loan committee members with terms expiring December 31, 1997 and appoints three candidates to fill vacant positions. The Committee recommended the agenda item to be added to the Board's consent agenda.

#### **III. OPTIONS FOR THE BOARD**

The Board may:

1. Approve the candidates in Resolution 97-504.
2. Modify the Committee recommendation and appoint selected candidates deemed acceptable to the Board, directing staff to recommend additional candidates for unfilled vacancies for consideration at a future Board meeting.

3. Take no action and provide staff further direction

#### **IV. STAFF RECOMMENDATION**

Staff recommends adoption of Resolution 97-504 which:

Reappoints the following RMDZ Loan Committee members with terms to expire December 31, 1999;

1. James R. Baird, Chief Executive Officer, Bay Area Development Company, Lafayette CA
2. Daryl Sutterfield, Vice President Tehama County Bank, Redding CA
3. Eric Watkins, Senior Loan Officer, Trade & Commerce Agency, Sacramento CA

And recommends the following appointments to the RMDZ Loan Committee with terms to expire December 31, 2000:

1. Robert Pickerel, Account Executive, United Way of San Diego, San Diego CA, Retired Bank of America (Private Sector/Southern California);
2. Kurt D. Carpenter, Vice President, Union Bank, Sacramento CA (Private Sector/Northern California); and
3. Fran Aguilera, Economic Development Manager, Business Finance Services, San Joaquin County Employment and Economic Development Department (Public Sector/Central California). (Mr. Aguilera's term will begin effective April 1, 1998, one year after his separation from the Board, and terminate effective December 31, 2000).

#### **V. ANALYSIS**

The Loan Committee meets monthly, as needed, and recommends applications for approval to the Market Development Committee, based upon their financial soundness and their ability to meet underwriting criteria. Regulations for the Recycling Market Development Zone (RMDZ) Loan Program require that the Board, upon recommendation of the Market Development Committee, appoint a Recycling Market Development Zone Loan Committee of not more than nine members. Newly approved regulation changes effective September 16, 1997, increased the number of Members from seven members to nine. The regulation change also increased Member's terms from two to three years.

The newly adopted regulations require that the Loan Committee shall be comprised of a balanced cross-section of individuals from the commercial lending community, both public and private sectors; from throughout the state, who demonstrate expertise in financial analysis and credit evaluation. With the reappointment of three existing members, the loan committee will be comprised of the following representation: four public and two private sector lenders, geographically disbursed as follows: three northern, two southern, and one central California. To balance the representation, staff is seeking 2 candidates from the private lending sector and one candidate from either the public or private sector. Two of these candidates are targeted to be selected from the central state area and one from southern California.

Four candidates were identified. One candidate was identified as working for the same county department as the zone administrator for a zone comprised of the same county. Due to the potential of a conflict of interest, the candidate was not considered for membership on the Loan Committee. A second candidate, Mr. Aguilera was employed as a Loan Officer for the Recycling Market Development Revolving Loan Program until March 31, 1996. As the Loan Committee members are voluntary positions (unpaid), there would be no conflict of interest if Mr. Aguilera started earlier than the April 1, 1998 date. However, by waiting for the mandatory one-year mark to elapse, the Board clearly avoids any appearance of a conflict of interest. Therefore, staff is recommending that his membership on the Loan Committee be effective April 1, 1998.

All of the candidates displayed the necessary lending experience, interest in the loan program and availability to be members of the Loan Committee. Staff's recommendation is based on the following criteria:

1. Knowledge of and experience with commercial lending.

Where candidates had relatively equal lending experience, the following additional criteria was applied:

2. Candidate contributes toward a more balanced geographic representation of the Loan Committee;
3. Knowledge of recycling industry, markets and the Recycling Market Development Zone Loan Program; and
4. Prominence as an active lender/leader in the lending community.

## VII. ATTACHMENTS

1. Existing RMDZ Loan Committee Members
2. Background Profile of Loan Committee Candidate
3. Resolution 97-504

## VIII. APPROVALS

Prepared By: Jeffrey L. Ingles *Jeffrey L. Ingles* Phone: 255-2472

Reviewed By: Robert Caputi *Robert Caputi* Phone: 255-2442

Reviewed By: John D. Smith *John D. Smith* Phone: 255-2413

Reviewed By: Caren Trgovich *M. Gildart for* Phone: 255-2320

Legal Review: *[Signature]* Date/Time: 11/7/97 4:30 pm

## Recycling Market Development Zone

### Proposed Loan Committee

Member	Location in State	Private/Public Sector	Term Expiration
(Existing member) Donald Fraser E.V.P. & C.O.O. Farmers & Merchants Bank Lodi, CA	Central	Private	December 1998
(Existing member) Michael McCraw President & CEO Cal. Southern Small Business Development Corp San Diego, CA	Southern	Public	December 1998
(Existing member) Lupe Vela Program Administrator Integrated Solid Waste Management Office Bureau of Sanitation City of Los Angeles	Southern	Public	December 1998
(Existing member to be reappointed) Daryl Sutterfield Vice President Tehama County Bank Redding, CA	Northern	Private	December 1999
(Existing member to be reappointed) Eric Watkins Senior Loan Officer Trade & Commerce Agency Sacramento	Northern	Public	December 1999
(Existing member to be reappointed) James R. Baird Chief Executive Officer Bay Area Development Company Walnut Creek, CA	Northern	Public	December 1999
(Proposed member) Robert Pickerel Account Executive United Way of San Diego (Retired Bank of America) San Diego CA	Southern	Private	December 2000
(Proposed member) Kurt D. Carpenter, Union Bank, Sacramento CA	Northern	Private	December 2000
(Proposed member) Fran Aguilera, Economic Development Mgr, Business Finance Services, San Joaquin County Employment and Economic Development Department Stockton, CA	Central	Public	December 2000

## EVALUATION OF PROPOSED NEW LOAN CANDIDATES

<p>Robert Pickerel, Account Executive, United Way of San Diego,</p> <p>Recommended by Board Member Frazee.</p> <p>Mr. Pickerel is a retired Bank of America Vice Present, and was ranked very strong in credit experience.</p> <p>Private Sector/Southern California</p>	<p>Kurt D. Carpenter, Vice President, Union Bank, Sacramento</p> <p>Recommended by Staff.</p> <p>Ranked very strong in credit experience and was active and prominent in Housing and Community Development.</p> <p>Private Sector/Northern California</p>	<p>Fran Aguilera, Economic Development Manager, San Joaquin County</p> <p>Recommended by Staff.</p> <p>Ranked very strong in credit experience and is active and prominent in the Central Valley Community Development Community. Mr. Aguilera worked as a Loan Officer for the RMDZ Loan Program and is familiar with the credits and Board's Program criteria.</p> <p>Public Sector/Central California</p>
<p>Robert Davis, Loan Program Supervisor, Capital Finance Division, LA County Community Development Commission</p> <p>Recommended by the Long Beach RMDZ.</p> <p>Mr. Davis manages the Loan Program in the same L.A. County Department that the Zone Administrator is assigned. While the candidate has a strong credit background, there is a potential conflict of interest in his current position, as relates to the LA County Zone. For this reason, he was not selected for the Loan Committee.</p> <p>Private Sector/Southern California</p>		

**CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**

**Resolution 97-504**

**CONSIDERATION OF APPOINTMENT OF MEMBERS TO THE LOAN COMMITTEE  
FOR THE RECYCLING MARKET DEVELOPMENT ZONE LOAN PROGRAM**

**WHEREAS**, the Recycling Market Development Revolving Loan Program (Program) was established to assist the Board and local governments in achieving disposal reduction mandates of the Integrated Waste Management Board by providing below-market financing to businesses, not-for-profit organizations and local governments in order to promote the development of markets for recycled and recovered materials; and

**WHEREAS**, the Board has created the Recycling Market Development Revolving Loan Program Loan Committee (Loan Committee) to assist the Board in meeting the goals of the Program, including the evaluation of loan applications for the Program; and

**WHEREAS**, the Loan Committee is comprised (California Code of Regulations, Section 17935.5) of a balanced cross-section of individuals from the commercial lending community, both public and private sectors, from throughout the state who demonstrate expertise in financial analysis and credit evaluation; and

**WHEREAS**, changes to the Program regulations were approved by the Office of Administrative Law on September 15, 1997, which increased the number of Loan Committee members to nine from seven and established staggered terms whereby not more than four members' terms shall expire during any single year; and

**WHEREAS**, the Board has solicited and received interest from several Loan Committee candidates; and

**WHEREAS**, Program staff has reviewed all of the candidates and determined that all of the candidates recommended satisfy Program requirements and have expressed a desire and an ability to serve on the Loan Committee.

**NOW, THEREFORE LET IT BE RESOLVED** that the following individuals shall be appointed to the following terms on the Loan Committee:

<u>Name</u>	<u>Term Begins</u>	<u>Term Expires</u>
James R. Baird	January 1, 1998	December 31, 1999
Daryl Sutterfield	January 1, 1998	December 31, 1999
Eric Watkins	January 1, 1998	December 31, 1999
Robert Pickerel	January 1, 1998	December 31, 2000
Kurt D. Carpenter	January 1, 1998	December 31, 2000
Fran Aguilera	April 1, 1998	December 31, 2000

#### **CERTIFICATION**

The undersigned Executive Director, or his designee, of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on November 19, 1997.

Dated:

Ralph E. Chandler

Executive Director



# **California Integrated Waste Management Board**

## **Board Meeting**

**November 19, 1997**

### **AGENDA ITEM 16**

#### **ITEM:**

#### **CONSIDERATION OF ADOPTION OF PROPOSED REGULATIONS TO THE RECYCLING MARKET DEVELOPMENT REVOLVING LOAN PROGRAM**

##### **I. SUMMARY**

Although the Board had previously approved proposed changes to regulations for the Recycling Market Development Revolving Loan Program (Program), the Office of Administrative Law (OAL) only approved some of the proposed changes. As a result, staff has made some clarifying, non-substantive changes and sent the regulations out to approximately 175 interested parties for another 15-day public review period that ended on November 4, 1997. No comments were received by staff during the public review period. This item describes the proposed changes and seeks Board approval of the proposed regulations.

##### **II. PREVIOUS BOARD OR COMMITTEE ACTION**

At its May 28, 1997 meeting, the Board approved proposed changes to the Program regulations. At its November 6, 1997 meeting, the Market Development Committee recommended the Board approve the proposed regulation changes related to the current 15-day public review period.

##### **III. OPTIONS FOR THE BOARD**

The Board may:

1. Adopt the proposed regulations and Resolution 97-499.
2. Provide staff with guidance, and direct staff to modify the proposed regulations, notice the proposed regulations for an additional 15-day public review period, and return them for consideration by the Market Development Committee at a future meeting.

##### **IV. STAFF RECOMMENDATION**

The Board adopt the proposed regulations and Resolution 97-499.

## V. ANALYSIS

### Background:

At its December 5, 1996 meeting, the Market Development Committee directed staff to start the Rulemaking process to revise the Program regulations. The Rulemaking process included the following:

1. Publishing the Notice of the Rulemaking Activity on February 28, 1997, in the California Regulatory Notice.
2. Noticing for both a 45-day and 15-day public review period.
3. Compliance with the California Environmental Quality Act by filing a Notice of Exemption with the State Clearinghouse on March 21, 1997.
4. Approval of the proposed Program regulations by the Board at its May 28, 1997 meeting.
5. Submission of the Rulemaking File to the OAL.
6. Approval by OAL of portions of the proposed regulations on September 15, 1997.

The portions of the proposed regulations approved by OAL included:

- Changing the processing of loan applications to a continuous basis from a quarterly basis;
- Increasing the Loan Committee to nine members from seven, modifying its membership to include geographic representation of public/private sector lenders with experience in commercial lending, and changing its meetings to monthly, on an as needed basis;
- Broadening the Program's eligibility criteria to include source reduction projects.

At the time of its consideration of these regulations, OAL raised concerns that certain provisions of the regulation package as submitted may have improperly enabled the Board to adopt processes or guidelines that may have constituted underground regulations. Staff, working with the Legal Office, revised the language in the affected sections and noticed the proposed regulations for a subsequent 15-day public review period, which ended on November 4, 1997. No comments were received during the public review period.

The content of the regulation package remains the same, with revisions limited to clarifying, non-substantive changes (Attachment 1). References to processes or procedures not defined within the regulation package have been removed so that OAL's concerns regarding potential underground regulations have been dispelled. If a need arises in the future for the Board to adopt specific processes or guidelines for this program that could be considered underground regulations, a formal rulemaking process will be initiated to comply with the Administrative Procedures Act.

## VI. ATTACHMENTS

1. The Revised Text of Regulation for the Current 15-day Public Review Period.
2. Resolution #97-499

## VII. APPROVALS

Prepared By:	<u>Calvin Young</u>	Phone:	<u>255-2476</u>
Reviewed By:	<u>Robert Caputi</u>	Phone:	<u>255-2442</u>
Reviewed By:	<u>John D. Smith</u>	Phone:	<u>255-2413</u>
Reviewed By:	<u>Caren Trgovcich</u>	Phone:	<u>255-2320</u>
Legal Review:	<u>Detrick Parzylic</u>	Date/Time:	<u>11/7/97 4:15 pm</u>

November 19, 1997

Attachment 1

**Proposed Changes to the Recycling Market Development  
Revolving Loan Program Regulations**

October 20, 1997

Underline indicates the new language for either the 45-day or the initial 15-day public review periods.

~~Strike-out~~ indicates the removal, proposed during the 45-day or initial 15-day public review periods, of existing regulatory language.

~~Underline and strike-out~~ indicates removal, during the subsequent 15-day public review period, of new language proposed in either the 45-day or the initial 15-day public review periods.

Underline indicates the new language for the subsequent 15-day public review period.

~~Strike-out~~ indicates the removal of existing regulatory language for the subsequent 15-day public review period.

**Title 14:           Natural Resources**

**Division 7:       California Integrated Waste Management Board**

**Chapter 4:       Resources Conservation Program**

**ARTICLE 1.1 RECYCLING MARKET DEVELOPMENT REVOLVING LOAN PROGRAM**

**17930. Purpose of the Recycling Market Development Revolving Loan Program.**

The Recycling Market Development Revolving Loan Program (program) assists the Board and local agencies in complying with Public Resources Code Sections 40051 and 41780, respectively, helps meet the market development goals in the Zone plans defined in Section 17907 of this Chapter, and fosters recycling-based business development within the Zones.

NOTE: Authority cited: Section 40502, Public Resources Code.  
Reference: Section 42010, Public Resources Code.

**17931. Definitions.**

**For purposes of this Article:**

- (a) "Applicant" means an entity which is applying for a Loan.
- (b) "Application" means the information an Applicant must provide to the Board when seeking a loan.
- (c) "Board Loan Committee" or "Loan Committee" means the committee referred to and established in Section 17935.5 of this Chapter.
- (d) "Borrower" means an Applicant whose application has been approved and who has executed a Loan Agreement.
- (e) "Board" means California Integrated Waste Management Board.
- (f) "CEQA" is the California Environmental Quality Act found in Public Resources Code Sections 21000, et. seq.

- (g) ~~"Conditional Designation" means a Zone Applicant has received notification from the Board that its designation as a Recycling Market Development Zone is conditional and certain conditions must be satisfied in order to receive final designation.~~ "Capital Improvements" means physical improvements to publicly owned land, including buildings, structures and fixtures or attachments of a permanent or semi-permanent nature, including large equipment, erected on and affixed to the land.
- (h) "Environmental Questionnaire" means a checklist completed by the Applicant to give the Board an indication of the possible risks from hazardous waste sources that may be encountered relative to the project.
- (i) ~~"Final Designation" means a Zone Applicant has received written notification from the Board stating it has satisfactorily completed all the requirements for final designation as a Recycling Market Development Zone.~~
- (j) "Infrastructure" means the basic facilities, such as sewer, water, transportation, and utility systems. ~~needed by the participating jurisdictions to directly support recycling based businesses within a Zone.~~
- (k) "Loan" means a loan from the the lending of Recycling Market Development Revolving Loan Subaccount or the California Tire Recycling Management Fund, funds pursuant to a Loan Agreement.
- (l) "Loan Agreement" means a written agreement between a Borrower and the Board for a Loan made in accordance with this Article.
- (m) "May" means a provision is permissive.
- (n) "Must" means a provision is mandatory.
- (o) "Onerous Debt" means debt with high interest rates and/or short terms that causes a negative impact on the Borrower's negative cash flow and jeopardizes the Borrower's ability to convert to or expand its diversion of recycled or secondary material. ~~hardship that can be directly alleviated by a lower interest rate and long term financing.~~
- ~~(p) "Participating jurisdiction" means any jurisdiction which has been identified as having a role in a Zone as evidenced by the letters of support and commitment required pursuant to Section 17905(d) of this Chapter.~~
- (qp) "Phase I Assessment" means an assessment to be completed by a specialized engineering or consulting firm that provides a professional opinion, based on obvious evidence, as to the past and potential usage, storage, handling, or disposal of materials within the property that have been or may be toxic or hazardous, or may cause violations of state and/or federal laws, rules, or regulations pertaining to soil and water quality; and to identify past and potential off-site contaminant sources that did have, or may have an adverse environmental impact on the property. The assessment may be performed at the time of loan application or at any time during the life of the loan, as determined necessary by the Board. Hazardous materials and wastes that are to be identified include those meeting the definitions of Public

Resources Code Section 40141 and Health and Safety Code Sections 25117 and 25501(k).

~~(rg) "Postconsumer waste material" means any product generated by a business or a consumer which has served its intended end use, and which has been separated from solid waste for the purposes of collection, recycling, and disposition and which does not include secondary waste material. This definition is as is defined in Public Resources Code Section 42002(b).~~

~~(r) "Project" means the activity for which a loan is requested.~~

~~(s) "Recycling Market Development Zone" or "Zone" is a geographic area as defined by Public Resources Code Section 42002(d).~~

~~(t) "Reuse" means to take a product, rather than a material, which has served its useful life or is factory defective, and provide some new value to the product, by reconditioning, reprocessing, or some other process which makes the product usable again for its original intended purpose.~~

~~(ue) "Secondary waste material" means industrial by products which would otherwise go to disposal facilities and wastes generated after completion of manufacturing processes, but does not include internally generated scrap commonly returned to industrial or manufacturing processes, such as home scrap and mill broke. This definition is as is defined in Public Resources Code Section 42002(f).~~

~~(va) "Source reduction" is defined in Public Resources Code Section 40196.~~

~~(wr) "Value added product" means an item which has increased in value or changed its character or composition through a manufacturing or reuse process. Collecting, sorting and/or baling of recycled or recovered materials for convenience or ease of transportation does not constitute adding value.~~

~~(xw) "Zone administrator" as is defined in Section 17901(j) of this Chapter, means the person selected by the Zone to administer the activities of the Zone, and report upon its activities to the Board.~~

NOTE: Authority cited: Section 40502, Public Resources Code.  
Reference: Section 42010(c)(6), Public Resources Code.

### 17932. Eligible Applicants.

~~An applicant's project, or in the case of mobile operations the primary business location, must be located within the boundaries of the Recycling Market Development Zones. In the case of mobile operations, the primary business location for the project must be located within the boundaries of the Recycling Market Development Zone. Eligible applicants include:~~

~~(a) Businesses and not-for-profit organizations who:~~

~~(1) practice, or propose to practice, appropriate source reduction; or~~

~~(2) utilize Use or propose to use postconsumer or secondary waste materials to produce a value added product, and local~~

~~(b) Local governments or agencies who seek to provide infrastructure and/or capital improvements in support of organizations referred to Subsection (a) of this section. the utilization of postconsumer or secondary waste materials, which are located within the boundaries of Recycling Market Development Zones are eligible to apply for Loans. Application procedures are detailed in Section 17935 of this Article.~~

NOTE: Authority cited: Section 40502, Public Resources Code.  
Reference: Section 42010(c) (62), Public Resources Code.

**17932.1. Tire Recycling Projects.**

Loans made with funds from the California Tire Recycling Management Fund may be carried out in accordance with the process and/or eligibility criteria set forth in this Article and Public Resources Code Sections 42872-42875.

~~(a) In the event that a proposed project, under this Article, involves the diversion of used tires from the landfill, or otherwise promotes alternative uses of used tires, such tire recycling projects may be administered through the Recycling Market Development Zone Loan program and funded from the California Tire Recycling Management Fund, established pursuant to Sections 42860 42889 of the Public Resources Code.~~

~~(b) Tire recycling projects under this section may be approved by the Board up to the amount of funds allocated by the Board from the California Tire Recycling Management Fund for loans pursuant to this Article.~~

~~(c) Eligible tire projects deemed to be appropriate to receive funding under this section shall be specified by the Board in its Tire Recycling Management Fund allocation process.~~

~~(d) All other provisions under this Article, including eligible project costs, shall apply to tire recycling projects.~~

~~(e) Recipients of loans under this section shall, on or before January 1 of each year, submit a report to the Board on the number of whole tires, or the equivalents by weight thereof, recycled or diverted from landfills.~~

Note: Authority cited: Sections 40502 and 42881, Public Resources Code.

Reference: Sections 42872, 42873, and 42874, Public Resources Code.

**17933. Priority Projects.**

Priority consideration shall be given to those projects which which whereby:

(a) The applicant demonstrates an ability to repay the loan and that the project will increase market demand for recycling

~~the project's type of postconsumer waste material; and satisfy PRC Section 42010(d)(3); and~~

~~(2) demonstrate the greatest use of other funds in the project and/or the highest degree of effort by the borrower to obtain other funds; and~~

~~(b32) the project satisfies additional statewide recycling market development objectives as described in Section 17909 of this Chapter; and~~

~~(c3) the project satisfies The the additional priorities that will be are determined by the Board. These priorities will be reviewed and revised as appropriate on an annual basis upon the filing of these regulations with the Secretary of State, and annually thereafter by March 31 of each year.~~

NOTE: Authority cited: Section 40502, Public Resources Code.  
Reference: Section 42010(d)(3), Public Resources Code.

#### 17934. Loan Amounts.

The maximum loan amount is the lesser of 50% of the cost of any project, or up to \$1 million, whichever is greater. ~~The Board may loan less than 50% of the cost of the project.~~

NOTE: Authority cited: Section 40502, Public Resources Code.  
Reference: Section 42010(d)(4), Public Resources Code.

#### 17934.1. Uses of Funds.

(a) ~~For eligible~~ For loans to businesses and not-for-profit organizations utilizing postconsumer or secondary waste materials applicants, loan funds may be used for:

- (1) equipment purchases,
- (2) real property purchases,
- (3) working capital, or
- (4) refinancing of onerous debt.

(b) ~~For loans to eligible local governmentals or agencies,~~ loan funds shall be used only for publicly owned infrastructure and capital improvements located within the Zone which directly support recycling based business activities that would be eligible for a Loan. ~~businesses that use postconsumer or secondary waste material.~~

NOTE: Authority cited: Section 40502, Public Resources Code.  
Reference: Section 42010, Public Resources Code.

#### 17934.3 Fees.

A ~~non-refundable~~ nonrefundable application fee of \$300.00 shall accompany each loan application. A loan ~~origination~~ fee of 3 ~~points percent~~ shall be charged upon loan closing. The Board reserves the right to periodically adjust the application and loan origination fees and the timing of the collection of loan fees. ~~The application fee and loan fee are considered part of the project cost and may be financed. Points are an eligible loan expense and may be added to the requested loan amount.~~



NOTE: Authority cited: Section 40502, Public Resources Code.  
Reference: Section 42010(c)(7), Public Resources Code.

#### **17934.5. Interest Rate.**

The interest rate for loans is determined by the Board and is based on, but not necessarily equal to, the Surplus Money Investment Fund (SMIF) Pooled Money Investment Account (PMIA) rate. The Board will reserve the right to periodically adjust the interest rate semiannually, effective January 1 and July 1, based on the monthly SMIF rate in effect one month prior to those dates.

NOTE: Authority cited: Section 40502, Public Resources Code.  
Reference: Section 42010(d)(1), Public Resources Code.

#### **17935. Application Process.**

- (a) Applicants may submit their applications to the Board at any time throughout the year.
- (b) Applications shall not be submitted for approval by the Board until a Zone receives designation status, as defined in Section 17901(d) of this Chapter.
- (c) The Applicant must submit two (2) copies of the application with original signatures to the Board.

NOTE: Authority cited: Section 40502, Public Resources Code.  
Reference: Section 42010, Public Resources Code.

#### **17935.1. Application Content.**

(a) All applicants must complete and provide the information requested in form CIWMB 604 "Recycling Market Development Revolving Loan Application" (5/97), which is incorporated herein by reference. (See Appendix A), sections (a) through (i) below. Additional information required from businesses and not-for-profit organizations is described in subsection (b) below. Additional information required from public Local government or agency applicants must also provide the information requested is detailed in subsections (kb) and (c) below.

- ~~(a) Name, address, and telephone number of the Applicant, and name and title of Applicant's principal contact person.~~
- ~~(b) A business plan describing the project for which funding is being requested, including all of the following:~~
  - ~~(1) A description of the project to be funded;~~
  - ~~(2) A detailed budget for the project including cost estimates and the source of the cost estimates;~~
  - ~~(3) All sources and uses of funds for the project, including commitment letters from all other funding sources stating the loan terms and conditions;~~
  - ~~(4) Types, amounts and sources of materials currently used and projected to be used as feedstock, specifying which materials are postconsumer or secondary waste. For~~

~~public Applicants, this information must pertain to the businesses that will be directly supported by the proposed project to be funded;~~

~~(5) Participating jurisdictions' information relating to the supply of materials, including types and quantities of materials available;~~

~~(6) If the Applicant is a business, demonstration of a market for the business' product;~~

~~(7) Demonstration of the inadequate return on investment for the project, or of the financing gap between the debt and the equity participation in the project.~~

~~(c) Identification of any required federal, state or local permits necessary to carry out the project and evidence that the Applicant has, or is, securing these permits.~~

~~(d) A statement from the Applicant that it is, or shall be, prior to receiving a loan, in compliance with all local, state, and federal laws, regulations, requirements and rules, including the California Environmental Quality Act found in Public Resources Code Sections 21000, et. seq. The Board may request a copy of the applicable CEQA document.~~

~~(e) A completed Environmental Questionnaire Form Number Env. Ck. 1 (9/92), which is incorporated herein by reference. The Questionnaire shall include, but not be limited to, information concerning the possible risks from hazardous materials or waste sources as defined in Public Resources Code Section 40141 and Health and Safety Code Sections 25117 and 25501(k), relative to the project, including storage and transportation of such materials. After review of the questionnaire, the Board may request additional information, including, but not limited to, a Phase I Assessment concerning the project, if it is deemed necessary.~~

~~(f) Signature of the Zone Administrator certifying that the requested loan is compatible with the Zone plans and objectives required pursuant to Section 17907 of the Chapter.~~

~~(g) Loan amount and terms requested in addition to those specified in Section 17935.2 of this Article.~~

~~(h) Information or documents demonstrating that the Applicant is able to provide adequate collateral and repay the loan, including primary and secondary sources of repayment.~~

~~(bi) Applicants shall provide any further information or documentation deemed necessary by the Board to determine the creditworthiness of the Applicant, or the Applicant's ability to secure and repay the loan.~~

~~(j) Applications for businesses and not for profit organizations must contain the following additional information:~~

~~(1) A description of the business or not for profit organization activity;~~

~~(2) The date the Applicant's business was established, financial statements and tax returns for the previous three years, and information regarding any guarantors;~~

~~(3) A corporate resolution to borrow money from the Board or a governing board resolution granting authority to make application to the Board for a loan commitment;~~

~~(4) Identification of the legal ownership structure of the business. If the business is a corporation or partnership, a list of officers or partners, with titles and percent ownership, is applicable;~~

~~(5) Personal financial statements and tax returns of officers, partners, or guarantors owning 10% or a greater amount of the business;~~

~~(6) Descriptions of Applicant's management structure and qualifications;~~

~~(7) Current and projected employment levels, annual payroll and pay per full time employee.~~

(ck) Applications from for public entities local governments or agencies must contain the following additional information:

(1) A description of the local government's or agency's activities and responsibilities;

(2) The local government's or agency's annual financial operating statements for the previous three years;

(3) A governing board resolution granting authority to make application to the Board for a loan commitment.

NOTE: Authority cited: Section 40502, Public Resources Code.  
Reference: Sections 42010(d), Public Resources Code.

#### 17935.2. Loan Agreement.

Each Loan Agreement shall include, but not be limited to, the following terms and conditions:

(a) The interest rate of the loan as specified in Section 17934.5 of this Article.

(b) The life term of the loan shall not exceed 10 years.—  
~~Amortization schedules may exceed the length of the loan. Loan terms for machinery and equipment shall be limited to the useful life of the assets. The Board may take a subordinate position to a primary lender.~~

(c) A description of the security and conditions pertaining thereto, ~~as determined by the Board, and agreed to by the Applicant.~~

(d) Timeframes for complying with the conditions of loan closing and any special conditions that must be satisfied prior to, or covenants which must be complied with after, the disbursement of funds.

(e) Identification of what is considered an event of default, including a A-provision that, upon failure to comply with the loan agreement, or if any information provided by the Applicant is found to be untrue, any remaining unpaid amount of the loan, with accrued interest, will be immediately due and payable, upon determination by the Board.

(f) A provision that the Borrower agrees to waive any claims against and to indemnify and hold harmless the State of California, including the California Integrated Waste Management

Board, from and against any and all claims, costs, and expenses stemming from operation, maintenance, or environmental degradation at the site.

(g) Proof of adequate insurance for the business on the project, naming the Board as loss payee, and when appropriate, naming the Board as additional insured, up to the amount of the loan.

(h) Any other provision to which the parties agree.

NOTE: Authority cited: Section 40502, Public Resources Code.  
Reference: Section 42010(d), Public Resources Code.

### 17935.3. Process For Preliminary Review.

Upon receipt, Board staff shall review each application to determine whether the Applicant and/or Applicant's project is eligible for a loan, pursuant to Section 17932 of this Article, and whether the application is complete, pursuant to Section 17935.1 of this Article. Within 10 working days of receiving the application, Board staff shall either do one of the following:

(a) Send a letter to the Applicant indicating that the application is incomplete, or that the Applicant and/or Applicant's project is ineligible for a loan, and specifying the steps, if any, which the Applicant may take to correct identified deficiencies; or

(b) Notify ~~Send a letter to the Applicant by letter that indicating the Applicant the Applicant and/or Applicant's project it is eligible for a loan, pursuant to Section 17932 of the Article, that its application is complete, and shall be evaluated by the Board staff, or~~

(3) Send a letter to the Applicant indicating that based on the analysis of the financial information provided and information obtained from credit reporting agencies, if applicable, the Applicant does not meet the credit standards for the program and will not be recommended for approval. The Applicant will also be advised of the process for appeal of the decision.

NOTE: Authority cited: Section 40502, Public Resources Code.  
Reference: Section 42010(d), Public Resources Code.

### 17935.4. Process For Board Staff Review.

(a) The Board staff shall prepare an analysis of a summary of findings for each application. Applications which meet the following criteria shall be recommended for approval to the Loan Committee:

(1) The Applicant is found creditworthy, and

(2) and the ~~The~~ collateral and the source of repayment are sufficient appropriate for the requested loan amount; and

(3) The Applicant has adequately demonstrated the appropriateness of the loan for use in the project as specified in Section 17935.1 ~~(b)(7)~~ of this Article.

(b) Those applications which fulfill Subsection (a) (1), and (2), and (3) of this section, shall be ranked in order of their ability to meet the priorities identified in Section 17933 as

necessary to allocate loan funds, and then shall be presented by Board staff to the Loan Committee along with a complete analysis of the applicant and the project. ~~the summary of findings.~~

(c) On a case by case basis, Board staff may ~~shall~~ also forward to the Loan Committee any ~~those~~ applications which do not receive a recommendation for approval, ~~in accordance with guidelines established by the Loan Committee and/or at the direction of the Board.~~

(d) Where the Applicant does not meet the criteria set forth in subsection (a), the Applicant will be notified in writing of its failure to meet the criteria and the process for appeal of the decision.

NOTE: Authority cited: Section 40502, Public Resources Code.  
Reference: Sections 42010, Public Resources Code.

#### **17935.5. Establishment of the Loan Committee.**

(a) A Loan Committee is hereby established to assist the Board in meeting the goals of the Program.

(b) The Loan Committee shall be composed of not more than nine individuals appointed by the Board.

(c) The Loan Committee shall be comprised of a balanced cross-section of individuals from the commercial lending community, both public and private sectors, from throughout the state who demonstrate expertise in financial analysis and credit evaluation.

(d) Members of the Loan Committee shall each be appointed to a three-year term, except that the newly added members terms may be adjusted so that a staggered schedule of terms is established where not more than four members terms shall expire during any single calendar year.

(e) Vacancies shall be filled using the same procedures as used for the initial appointments, and shall be filled for the remaining portion of the respective terms.

NOTE: Authority cited: Section 40502, Public Resources Code.  
Reference: Sections 42010, Public Resources Code.

#### **17935.55. Process for Loan Committee Review.**

(a) The Loan Committee shall meet monthly or as needed.

(b) The Loan Committee shall evaluate the staff analysis of loan requests presented by Board staff pursuant to the Review Process of section 17935.4 of this Article, ~~or other processes approved by the Board for reconsideration of applications, and shall make its recommendations to the Board.~~

(c) The Loan Committee shall recommend applications for approval based only on their financial soundness and their ability to meet the underwriting criteria as described in Sections 17935.4(a) ~~(1), (2) and (3)~~ of this Article.

(d) The Loan Committee may advise the Board as requested on other aspects of the loan program.

NOTE: Authority cited: Section 40502, Public Resources Code.  
Reference: Sections 42010, Public Resources Code.

**17935.6. Board Approval.**

~~(a) No sooner than 30 calendar days from the date upon which the Board staff mails the completeness letter pursuant to Section 17935.3, the Board shall notify the Applicant of its decision regarding the loan application.~~

~~(b) (a)~~ If the Board approves a loan, the Applicant and the Board shall enter into a Loan Agreement pursuant to the terms specified in Section 17935.2 of this Article. Funds shall be disbursed according to the terms of the Loan Agreement.

~~(c) If the Board denies an application, the Applicant may reapply for consideration in a subsequent quarter.~~

(b) The Board's loan commitment shall be in effect for a period of 90 days following Board approval. The loan commitment may be extended, for cause, for an additional 90 days. Extension of the loan commitment beyond the second 90 day period shall occur only if agreed to by both the Board and the Applicant.

NOTE: Authority cited: Section 40502, Public Resources Code.  
Reference: Section 42010, Public Resources Code.

**17936. Auditing of Expenditure of Loan Proceeds.**

The Board, or the Department of Finance, may audit the expenditure of the proceeds of any loan made pursuant to this Article.

NOTE: Authority cited: Section 40502, Public Resources Code.  
Reference: Section 42010(d)(6), Public Resources Code.

**17937. Repealed.**

**17938. Repealed.**

**17939. Repealed.**

**RECYCLING MARKET DEVELOPMENT**  
**REVOLVING LOAN PROGRAM**

**LOAN APPLICATION CHECKLIST**

*(Submit all attachments in the following order to the back of the completed application)*

☐ **APPLICATION**

☐ **BUSINESS FINANCIAL STATEMENTS**

Annual (last 3 years) and interim (within 90 days) business financial statements for borrower, guarantors, and affiliated entities. The financial statements must include balance sheets, income statements, cash flow statements, an aging of accounts receivable and payable and ORIGINAL SIGNATURE(S) of the person(s) completing this application.

☐ **TAX RETURNS**

Copies of executed federal tax returns for the last three years for borrower, guarantors, and affiliated entities.

☐ **OWNERS PERSONAL FINANCIAL STATEMENTS**

Complete Exhibit A, Personal Financial Statement Form, with ORIGINAL SIGNATURES and date, for all persons owning ±20% or more of the business, or any guarantors. Please note that a guarantee will be required of all individuals or businesses which own 20% or more of the applicant business.

☐ **CREDIT AUTHORIZATION**

~~Complete Exhibit B, Credit Authorization Form, with ORIGINAL SIGNATURES and date, for all persons owning 10% or more of the business, or any guarantors.~~

☐ **OWNERS PERSONAL TAX RETURNS**

Copies of executed federal tax returns (last three years) for all persons owning ±20% or more of the business, or any guarantors.

☐ **BUSINESS PLAN**

Business Plan for the business and the proposed project. An outline of a typical business plan is provided.

☐ **LEASE/PURCHASE AGREEMENTS/SITE CONTROL**

Copies of title policy, deed of trust, or purchase agreement (if owned property) or an executed lease or purchase agreements, or contingent (upon financing) lease or purchase agreements for the project site. **16-15**

[OVER]

## **LOAN APPLICATION CHECKLIST**

(continued)

☐ **BUSINESS FINANCIAL PROJECTIONS**

Two year financial projections for business (income statements and cash pro forma).

☐ **PROJECT SOURCES AND USES OF FUNDS**

Complete Exhibit CB, Project Sources and Uses of Funds Form.

☐ **FINANCING COMMITMENT LETTERS**

Copies of commitments or other documentation for all other funding sources listed in Exhibit CB pertaining to this project. This documentation must include anticipated rates and terms for all financing, and the contact persons names and phone numbers.

☐ **PRESENT DEBT OBLIGATIONS**

Complete Exhibit DC, Present Debt Obligations Form

☐ **ARTICLES OF INCORPORATION, BY-LAWS, PARTNERSHIP AGREEMENTS, ETC.**

Articles of Incorporation, By-Laws, Partnership Agreements, Shareholder or Management Agreements, and other Corporate or Partnership Agreements affecting control or ownership of the entity.

☐ **ENVIRONMENTAL QUESTIONNAIRE**

Complete Exhibit ED, Environmental Questionnaire.

☐ **BUSINESS LICENSE AND FICTITIOUS BUSINESS NAME STATEMENT**

Copy of current business license and Fictitious Business Name Statement if dba is specified under Section I, Applicant Information.

☐ **ZONE ADMINISTRATOR'S CERTIFICATION**

Complete Zone Administrator's Certification.

***Note: Review your application and exhibits for completeness. Substantially incomplete packages will not be accepted.***



**RECYCLING MARKET DEVELOPMENT**  
**REVOLVING LOAN PROGRAM**

**PRIVACY NOTICE**

The information requested in this loan application will be used by the California Integrated Waste Management Board (CIWMB) for the purpose of determining the eligibility and creditworthiness of the loan Applicant, and the Applicant's ability to secure and repay the loan. In the event of sale or securitization of loans, information will be reviewed by public rating agencies, prospective investors or purchasers, or their agents. Such review will be subject to a confidentiality agreement.

Portions of the information in the application may be transferred to members of the CIWMB's Loan Committee and to other state agencies or its contractors assisting the CIWMB with administration and maintenance of this program, including but not limited to the Department of Community Services and Development ~~Economic Opportunities~~, the Office of the State Controller, the Department of General Services, the Office of Department of Real Estate Design Services, the Trade and Commerce Agency and the California Department of Justice ~~State Attorney General~~. Designated items provided in this application may also be entered into the CIWMB's Business Intake Database which will be accessible to the public.

This notice is required by Section 1798.17 of the Information Practices Act of 1977 (California Civil Code Sections 1798 et. seq. ~~through 1798.78~~) and the Federal Privacy Act (5 USC 552a, subd. (e) (3) ) whenever an agency requests personal information from an individual.

The information requested in this application is mandatory for all applicants, and is authorized by Public Resources Code section 42010 and the CIWMB's regulations found in Title 14 of the California Code of Regulations, Sections 17930 et. seq. ~~through 17936~~. Failure to provide the information may result in an Applicant not receiving a loan from the CIWMB.

Applicants have the right to review their loan application files. The official responsible for maintenance of the loan application files is: Loan Administrator, Recycling Market Development Revolving Loan Program, California Integrated Waste Management Board, 8800 Cal Center Drive, Sacramento, CA, 95826

## RECYCLING MARKET DEVELOPMENT REVOLVING LOAN PROGRAM

### APPLICATION

*Submit two (2) complete copies of the application and supporting documents with original signatures and a \$300 non-refundable application fee.*

### SECTION I. APPLICANT INFORMATION

Name of Business		d.b.a. (if used)	
Street Address	City	State	Zip Code
Contact Name	Title	Phone	Fax
<input type="checkbox"/> Corporation <input type="checkbox"/> General Partnership <input type="checkbox"/> Limited Partnership <input type="checkbox"/> Sole Proprietorship			
How did you learn of the program?		<input type="checkbox"/> Board Staff (State) <input type="checkbox"/> Zone Administrator (Local) <input type="checkbox"/> Bank Referral <input type="checkbox"/> Other (specify) _____	
Was a consulting or finder's fee paid? <input type="checkbox"/> Yes <input type="checkbox"/> No		If Yes, to whom was the fee paid? _____ Amount Paid: \$ _____	
Federal Tax ID. No:	Date Business Established:	Date when operations began:	
Business Owner Name	Title	% of Ownership (must total 100%)	
Accountant Name	Street Address	City, State, Zip Code	Contact Phone
Bank Name	Street Address	City, State, Zip Code	Contact Phone

### SECTION II. LOAN INFORMATION

Requested Loan Amount:	Requested Term of the Loan <i>(Typical terms are 3-5 years for working capital, 5-7 years for equipment purchase and leasehold improvements, and 10 years for real property purchase):</i>
Use of Funds: <input type="checkbox"/> Equipment Purchase <input type="checkbox"/> Real Property <input type="checkbox"/> Real Property Purchase <input type="checkbox"/> Working Capital <input type="checkbox"/> One-time Debt Refinance <input type="checkbox"/> Working Capital <input type="checkbox"/> Machinery and Equipment <input type="checkbox"/> Other: (Please describe) Site Improvements <input type="checkbox"/> Loan Origination Fees	
Collateral offered for loan:	
Type	Estimated Value Description
Real Property (address, acreage, zoning) _____	
Machinery & Equipment _____	
Other Business Assets (Specify) _____	
Other Personal Assets (Specify) _____	
Site Information: <input type="checkbox"/> Own <i>(Submit a copy of the Deed of trust, title policy, or executed purchase agreement)</i>	
<input type="checkbox"/> Lease <i>(Submit a copy of the executed lease or purchase agreement)</i>	

SECTION III. PROJECT INFORMATION

Provide brief summaries on the following items:

Product Description:

Type of Recycled Material Utilized (i.e., HDPE, PP, crumb rubber):

Source of Raw Material Recycled Feedstock:

Major Customers:

Competitors:

Keys to Success:

Current annual tons of postconsumer or secondary waste material diverted and utilized as feedstock:

Projected annual tons of postconsumer or secondary waste material that will be diverted and utilized as feedstock as a result of this loan:

Current Employment:

Number of new jobs to be created as a result of this loan:

16-19

(Over)

#### SECTION IV. CREDIT AND LEGAL INFORMATION

If the answer to any of the following questions is yes, attach a written explanation.

Has the applicant business ever declared bankruptcy? ☐ Yes ☐ No

If Yes: ☐ Chapter Filed: \_\_\_\_\_ Date Filed: \_\_\_\_\_ Case Number: \_\_\_\_\_

Present Status: ☐ Case Dismissed ☐ Debts Discharged ☐ Payment Plan ☐ Pending

Has the applicant business ever experienced foreclosures, repossession, debt judgement or criminal penalty ~~within the last seven years?~~ ☐ Yes ☐ No

Are there any legal actions (claims, lawsuits, etc.) pending against the applicant business? ☐ Yes ☐ No

Is the applicant business an endorser, guarantor or co-maker for obligations not listed on its financial statements? ☐ Yes ☐ No

If yes, list total contingent liability: \_\_\_\_\_

#### SECTION V. APPLICATION AGREEMENT AND SIGNATURES

I/We certify that all information in this application and all information provided in support of this application is true and complete to the best of my/our knowledge and belief. I/we authorize the California Integrated Waste Management Board to obtain business credit reports and conduct any other inquiries deemed necessary to determine the creditworthiness of the applicant business.

You are also authorized to verify information with various taxing entities, including, but not limited to, the State of California Franchise Tax Board, the State of California Board of Equalization, and the Internal Revenue Service. A photostat copy of this authorization may be deemed to be the equivalent of the original and may be used as a duplicate original.

Each person signing below certified that he/she is signing on behalf of the applicant business in the capacity indicated next to the signer's name and such signer is authorized to execute this application on behalf of the applicant business.

I/We certify that the business is in compliance with all local, State and Federal laws, regulations, requirements and rules, including the California Environmental Quality Act found in Public Resources code Sections 2100, et seq.

I/We understand that information contained in Sections 1, 2, and 3 of this application (with the exception of Accountant name, Bank name, Source of Raw Material/Feedstock, Customers, ~~Competitors~~ and Keys to Success) will become public information during the administration of this program, and that any loan agreement that I/we may sign and its attachments will be public information. All other information provided in this application should be considered trade secret, confidential or proprietary information as described in 14CCR 17041 through 17056 and be treated accordingly.

Authorized Signature	Print Name & Position Title	Date
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Authorized Signature	Print Name & Position Title	Date
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Authorized Signature	Print Name & Position Title	Date
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Authorized Signature	Print Name & Position Title	Date
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**ZONE ADMINISTRATOR'S CERTIFICATION**

The following must be signed by the Recycling Market Development Zone Administrator of the area in which the project is located.

I certify that the requested loan is compatible with the Zone plans and objectives required pursuant to Sections 17907 and 17909 of Title 14 of the California Code of Regulations and is otherwise fully supported by this Zone, and that by signing this certification I am attesting to the reasonableness of the employment and version projections of the project.

One:

Zone Administrator Signature

Printed Name

Date Signed

**RECYCLING MARKET DEVELOPMENT**  
**REVOLVING LOAN PROGRAM****EXHIBIT A**  
**PERSONAL FINANCIAL STATEMENT**

As of \_\_\_\_\_, 19\_\_\_\_

Complete this form for: (1) each proprietor, or (2) each limited partner who owns 240% or more interest and each general partner, or (3) each stockholder owning 240% or more of voting stock and each corporate officer and director, or (4) any other person or entity providing a guaranty on the loan.

Name	Name
Residence Address	Residence Phone <u>Business Phone:</u>
City, State & Zip Code	
Business Name of Applicant/Borrower	

ASSETS	(Omit Cents)	LIABILITIES	(Omit Cents)
Cash on Hand & in Banks	\$ _____	Accounts Payable	\$ _____
Savings Account in Banks	\$ _____	Notes Payable to Banks and Others	\$ _____
IRA or Other Retirement Account	\$ _____	(Describe in Section 2)	
Accounts & Notes Receivable	\$ _____	Installment Account (Auto)	\$ _____
Life Ins. Cash Surrender Value Only	\$ _____	Monthly Payments \$ _____	
(Complete Section 8)		Installment Account (Other)	\$ _____
Stocks and Bonds	\$ _____	Monthly Payments \$ _____	
(Describe in Section 3)		Loans on Life Insurance	\$ _____
Real Estate	\$ _____	Mortgages on Real Estate	\$ _____
(Describe in Section 4)		(Describe in Section 4)	
Automobile-Present Value	\$ _____	Unpaid Taxes and Other Liabilities	\$ _____
Other Personal Property	\$ _____	(Describe in Section 6)	
(Describe in Section 5)		Other Liabilities	\$ _____
Other Assets	\$ _____	(Describe in Section 7)	
(Describe in Section 5)		Total Liabilities	\$ _____
Total	\$ _____	Net Worth	\$ _____
		Total	\$ _____

**Section 1. Source of Income**

Salary \$ \_\_\_\_\_  
Net Investment Income \$ \_\_\_\_\_  
Real Estate Income \$ \_\_\_\_\_  
Other Income (Describe) \$ \_\_\_\_\_

**Contingent Liabilities**

As Endorser or Co-Maker \$ \_\_\_\_\_  
Legal Claims and Judgments \$ \_\_\_\_\_  
Provision for Federal Income Tax \$ \_\_\_\_\_  
Other Special Debt \$ \_\_\_\_\_

Description of Other Income in Section 1 (Alimony or child support payments need not be disclosed in "Other Income" unless it is desired to have such payments counted toward total income.)

**Section 2. Notes Payable to Bank and Others (Use attachments if necessary. Each attachment must be identified as a part of this statement and signed.)**

Name and Address of Noteholder(s)	Original Balance	Current Balance	Payment Amount	Frequency (Monthly, etc.)	How Secured or Endorsed / Type of Collateral
16-23					


**Section 3. Stocks and Bonds.** (Use attachments if necessary. Each attachment must be identified as a part of this statement and signed.)

Number of Shares	Name of Securities	Cost	Market Value Quotation/Exchange	Date of Quotation/Exchange	Total Value

**Section 4. Real Estate Owned.** (List each parcel separately. Use attachments if necessary. Each attachment must be identified as a part of this statement and signed.)

	Property A	Property B	Property C
Type of Property			
Name & Address of Title Holder			
Date Purchased / Original Cost			
Present Market Value			
Name & Address of Mortgage			
Mortgage Balance			
Amount of Payment per			
Status of Mortgage			

**Section 5. Other Personal Property and Other Assets.** (Describe, and if any is pledged as security, state name and address of lien holder, amount of lien, terms of payment, and if delinquent, describe delinquency.)

**Section 6. Unpaid Taxes and Other Liabilities** (Describe in detail, as to type, to whom payable, when due, amount, and to what property, if any, a tax lien attaches).

**Section 7. Other Liabilities** (Describe in detail).

**Section 8. Life Insurance Held.** (Give face amount and cash surrender value of policies - name of insurance company and beneficiaries).

If the answer to any of the following questions is yes, attach a written explanation.

Have you ever declared personal bankruptcy? ☐ Yes ☐ No

If yes: Chapter Filed \_\_\_\_\_

Date Filed: \_\_\_\_\_

Case Number: \_\_\_\_\_

Present Status: ☐ Case Dismissed

☐ Payment Plan

☐ Debts Discharged

☐ Pending

Have you ever experienced foreclosure, repossession, debt judgement or criminal penalty within the last seven years? ☐ Yes ☐ No

Are there any legal actions (claims, lawsuits, etc.) pending against you? ☐ Yes ☐ No

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*I/we hereby authorize the California Integrated Waste Management Board to initiate a credit check on my/our personal credit history. You are also authorized to verify information with various taxing entities, including, but not limited to, the State of California Franchise Tax Board and the Federal Internal Revenue Service. A photostat copy of this authorization may be deemed to be the equivalent of the original and may be used as a duplicate original. make inquiries as necessary to verify the accuracy of the statements made and to determine my creditworthiness. I/we certify the above and the statements contained in the attachments are true and accurate as of the stated date(s). These statements are made for the purpose of either obtaining a loan or guaranteeing a loan.*

Signature:

Date:

Social Security Number:

**EXHIBIT B**  
**CREDIT CHECK AUTHORIZATION FORM**

~~California Integrated Waste Management Board  
Attn: Recycling Market Development Revolving Loan Program  
300 Cal Center Drive  
Sacramento, CA 95826~~

~~E: Credit Check Authorization~~

~~to Whom It May Concern:~~

~~This letter is to give authorization for the California Integrated Waste Management Board to initiate a credit  
check on my personal credit history in conjunction with the application for a Recycling Market Development  
Revolving Loan Program loan for \_\_\_\_\_  
(Business Applicant)~~

~~With this certification, you are authorized to check my credit references. You are also authorized to verify  
information with various taxing entities, including, but not limited to, the State of California Franchise Tax  
Board, Board of Equalization and the Federal Internal Revenue Service.~~

~~A photostat copy of this authorization may be deemed to be the equivalent of the original and may be used as  
a duplicate original.~~

Sincerely,

\_\_\_\_\_  
Original Signature \_\_\_\_\_ Date Printed Name \_\_\_\_\_

\_\_\_\_\_  
Street Address \_\_\_\_\_ Social Security Number \_\_\_\_\_

\_\_\_\_\_  
City, State, Zip \_\_\_\_\_ Date of Birth \_\_\_\_\_

**RECYCLING MARKET DEVELOPMENT**  
**REVOLVING LOAN PROGRAM**

**EXHIBIT BC**  
**PROJECT SOURCES & USES OF FUNDS**

Indicate all sources and amounts of funding financing for the project in these columns and total at bottom. —Include rates, terms and annual debt service in Attachment 10 for each funding source listed below.

SOURCES  USES	<u>Applicant</u>	<u>Recycling Market Development Revolving Loan Program</u>			TOTALS
<u>Equipment Purchase</u> <del>Land</del>					
<u>Working Capital</u> <del>Building Construction</del>					
<u>Real Property Purchase</u> <del>Machinery &amp; Equipment</del>					
<u>Other (Describe):</u> <del>Furniture &amp; Fixtures</del>					
<del>Leasehold Improvements</del>					

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Working Capital					
Loan Fees					
Contingencies					
TOTALS					

Note: Recycling Market Development Revolving Loan Program funds cannot exceed 50% of total project costs.

~~/ Recycling Market Development Revolving Loan Program funds cannot be used to finance building construction.~~

~~// Recycling Market Development Revolving Loan Program funds cannot exceed 50% of total project costs.~~

**RECYCLING MARKET DEVELOPMENT  
REVOLVING LOAN PROGRAM****EXHIBIT CØ  
PRESENT DEBT OBLIGATIONS***As of* \_\_\_\_\_, 199 *✓*

Complete the following for all present debt obligations of the business. Do not include proposed debt pertaining to this project.

Loan Number	Creditor Name and Address	Original Date	Original Amount	Present Balance	Interest Rate	Maturity Date	Monthly Payment	P & I Annual Debt Service	Collateral	Current or Delinquent
			\$	\$			\$	\$		
			\$	\$			\$	\$		
			\$	\$			\$	\$		
			\$	\$			\$	\$		
			\$	\$			\$	\$		
<b>TOTAL PRESENT BALANCE</b> <i>✓</i>				\$						

Note: 1

2- \$

3- Total

on must be the same date as the most recent financial statement submitted. The present balance must agree with the financial statement figures.

1- most recent financial statement.

2- with balance shown on most recent balance sheet.

**RECYCLING MARKET DEVELOPMENT**  
**REVOLVING LOAN PROGRAM**

**EXHIBIT DE**  
**ENVIRONMENTAL QUESTIONNAIRE**

The purpose of this questionnaire is to discern the possible risks which may arise from hazardous waste or materials related to the project. It is intended to be completed by the applicant and is not meant to take the place of a professional hazardous waste assessment. A Phase One Environmental Assessment, or other environmental information acceptable to the Board, may be required on any commercial, industrial, or agricultural property offered as security for the loan or used as the applicant's business facility. A Phase Two and mitigation plan will be required on those projects with potential hazardous contamination findings.

Property Address: \_\_\_\_\_  
Street, City, State Zip

Describe past/present nonresidential uses of the site and adjacent sites. Identify current owner, use of the property and current tenants.

Is the property, or are any of the adjacent properties, on federal, state, or local lists of hazardous waste sites (such as CERCLA, Superfund, etc.)?

Is the property or any portion of the property the subject of environmental litigation or any regulatory enforcement action? Has it ever been the subject of such litigation or enforcement action?

Are there any easements on the property (i.e., roadways, pipelines) with potential environmental implications which could cause hazardous releases or spills? What is the current zoning of the property?

Describe physical signs of toxic/hazardous contamination on or around the site, including stained soil or concrete; vegetation damage; foul or unusual odors; oily sheen or discoloration of surface water; or evidence of excavation, filling or other earth moving activities.

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Describe any actual or potential asbestos-containing materials present at the site or in the equipment, including sprayed-on fireproofing or acoustical ceilings; pipe wire; friable ceiling tiles; and acoustical plaster.

(over)

7. Are there any evidence of urea formaldehyde insulation at the site?

8. Are there now, or have there ever been, any underground storage tanks on the property?

9. Is there or has there been storage of hazardous waste, such as pesticides, solvents, petroleum hydrocarbons (i.e., gasoline, fuel oil) or explosives?

10. Are there electrical transformers or capacitors on the property which may contain polychlorinated biphenyls (PCBs)?

11. Are there ground water wells, sumps, ponds or lagoons or other contaminants on the property?

Are you aware of any previous environmental assessments, audits or inspections of the property? If so, describe and attach relevant documents.

**PERSON COMPLETING QUESTIONNAIRE:**

Signature \_\_\_\_\_ Printed Name \_\_\_\_\_ Date Signed \_\_\_\_\_

TITLE OR POSITION: \_\_\_\_\_

RESPONSIBILITIES OR DUTIES: \_\_\_\_\_

YEARS WITH COMPANY: \_\_\_\_\_

PHONE NUMBER: \_\_\_\_\_

The following are information sources which may assist you in your completion of the questionnaire. The list is not meant to be all-inclusive.

1. Review of chain of title.
2. Building, zoning, conditional use permit files--local building, planning departments. Also, local planning departments have list of identified hazardous waste sites.
3. Local Health Department.
4. Interviews with past and present owners.
5. Aerial photos--the local planning department may be a source for these.
6. Insurance Records.
7. Press reports, local newspapers.
8. Regional Water Quality Control Board.
9. California Integrated Waste Management Board.
10. State Department of Health Services, Toxic Substances Control Division, Site Evaluation Program.
11. U.S. Environmental Protection Agency.

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**EXHIBIT F**  
**ZONE ADMINISTRATOR'S CERTIFICATION**

~~The following must be signed by the Recycling Market Development Zone Administrator of the area in which the project is located.~~

~~I certify that the requested loan is compatible with the Zone plans and objectives required pursuant to sections 17907 and 17909 of Title 14 of the California Code of Regulations and is otherwise fully supported by this Zone, and that by signing this certification I am attesting to the reasonableness of the employment and version projections of the project.~~

~~one: \_\_\_\_\_~~

<del>Zone Administrator Signature</del>	<del>Printed Name</del>	<del>Date Signed</del>
---	-------------------------	------------------------



**RECYCLING MARKET DEVELOPMENT**  
**REVOLVING LOAN PROGRAM**

**BUSINESS PLAN OUTLINE**

1. Description of the Business
  - Name and location
  - Legal Structure
  - Principal owners
  - Nature of Business
  - History of the Business
2. Product or Service
  - Describe product line(s) or type(s) of service
  - Describe materials and supply sources
  - Methods of production
  - Quality and cost of production or service
3. Market Information
  - Market area and trends
  - Customers and potential new customers
  - Competition, names, locations and size
  - Advantage of your product/service over the competition
4. Advertising and Distribution
  - Methods of advertising and promotion
  - Sales Methods
  - Pricing Policy
  - Customer Service
5. Facilities
  - Location
  - Size, zoning, required permits
  - Age and condition
  - Expansion opportunities
6. Management and Personnel
  - Management expertise
  - Key personnel (position, qualifications)
  - Professional Services
  - Present and future manpower requirements
  - Personnel breakdown - skill levels, hours, wage rates, unionization, etc.
7. Benefits to the Community
  - Jobs created/retained
  - Meeting community needs
  - Increased community tax base
8. Summary of Future Plans
  - Short range and long range
  - Expansion
  - Relocation

*Note: This outline is intended to assist in developing a business plan. A business should address the key areas in a way which best summarizes the business and/or project.*

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**INTEGRATED WASTE MANAGEMENT BOARD**

**RESOLUTION NO. 97 - 499**

**FOR CONSIDERATION OF ADOPTION OF PROPOSED TO THE RECYCLING  
MARKET DEVELOPMENT LOAN PROGRAM REGULATIONS**

**WHEREAS**, the Board adopted in 1992 regulations in Title 14 of the California Code of Regulations (CCR), including Sections 17930 through 17939, to interpret, make specific and implement the provisions of the Recycling Market Development Revolving Loan Program (Program); and

**WHEREAS**, the Board has found it necessary to modify these regulations; and

**WHEREAS**, formal notice of the rulemaking activity was published on February 28, 1997, the California Regulatory Notice Register 97, Volume No. 9-Z, and

**WHEREAS**, the Board had previously held a 45-day and a 15-day public comment periods to obtain comments on the proposed regulations; and

**WHEREAS**, the Board, at its May 28, 1997 meeting, approved changes to the Program regulations; and

**WHEREAS**, a portion of those changes were approved by the Office of Administrative Law on September 15, 1997; and

**WHEREAS**, the Board proposed additional changes to the regulations and has properly noticed those proposed changes for a subsequent 15-day public review period; and

**WHEREAS**, comments received during the subsequent 15-day public review period were discussed at the November 6, 1997, Market Development Committee meeting; and

**WHEREAS**, the Board has fulfilled all of the requirements of Government Code Sections 11340 et. seq.; and Title 1 of the California Code of Regulations, Section 1 et. seq.; and

**WHEREAS**, the Board has maintained a rulemaking file which shall be deemed to be the record for the rulemaking proceeding pursuant to Government Code Section 11347.3.

November 19, 1997

**NOW, THEREFORE, BE IT RESOLVED** that the Board hereby adopts the attached amendments to California Code of Regulations, Division 7, Chapter 4, Article 1.1, Sections 17930 through 17935.6, pertaining to the Recycling Market Development Loan Program.

**CERTIFICATION**

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regulatory adopted at a meeting of the California Integrated Waste Management Board held on November 19, 1997.

Dated:

Ralph E. Chandler

Executive Director

# California Integrated Waste Management Board

## Board Meeting

November 19, 1997

### AGENDA ITEM 17

**ITEM: CONSIDERATION OF A NEW SOLID WASTE FACILITY PERMIT FOR  
THE ROBERT A. NELSON TRANSFER STATION AND MATERIALS  
RECOVERY FACILITY, RIVERSIDE COUNTY**

#### **I. SUMMARY**

##### Facility Facts

Name:	Robert A. Nelson Transfer Station and Materials Recovery Facility, Facility No. 33-AA-0258
Facility Type:	Transfer Station/Material Recovery Facility
Location:	1850 Agua Mansa Road Riverside
Area:	12.5 acres
Setting:	Adjacent land uses are predominantly industrial, with low density housing and equestrian facilities also present.
Operational Status:	Proposed
Permitted Tonnage:	2,700 tons per day; 2,100 tons per day for transfer and 600 tons per day for materials recovery
Operator:	Agua Mansa MRF, LLC C/O Burrtec Waste Industries 9890 Cherry Avenue Fontana, CA 92335 Eric D. Herbert, Vice-President
LEA:	Riverside County Department of Environmental Health John Fanning, Director

### Proposed Project

The project consists of a new transfer station/material recovery facility located near the city of Riverside in the unincorporated area of Jurupa. The proposed facility is designed to receive waste from the area currently served by the Highgrove Sanitary Landfill which includes parts of the City of Riverside and unincorporated county areas. It will accept municipal solid waste, source-separated recyclable, and construction and demolition debris. Green waste will also be accepted for transfer to an approved facility. Initially, the site will operate as a transfer station only with the MRF coming online in the future.

The site is located within the Agua Mansa Enterprise Zone. This area has been designated a Recycling, Market, and Development Zone by the Board.

The primary structure is a 97,500 square foot building that contains the transfer station and materials recovery facility. Also within the building is a hazardous waste temporary storage area, a buyback center, and offices. Transfer trucks are loaded in a below grade ramp through load out ports. The MRF will have a dedicated tipping area. Materials are run through sort lines. There is a compactor and a baler for recovered items.

## **II. PREVIOUS COMMITTEE ACTION**

At the time that this item was prepared, this item had not yet been presented to the Permitting and Enforcement Committee.

## **III. OPTIONS FOR THE BOARD**

Requirements for Concurrence with the Solid Waste Facilities Permit Pursuant to Public Resources Code, Section 44009, the Board has 60 calendar days to concur in or object to the issuance of a Solid Waste Facility Permit. Since the permit was received on October 14, 1997, the last day the Board could act is December 13, 1997.

Board Members may decide to:

1. Concur in the issuance of the proposed permit;
2. Object to the issuance of the proposed permit; or
3. Take no action on the proposed permit; if no action is taken within 60 days of the receipt of the proposed permit, the Board shall be deemed to have concurred in the issuance of the permit as submitted.

## **IV. STAFF RECOMMENDATION**

Staff recommend that the Board choose option 1, to concur in the issuance of the proposed permit.

## V. ANALYSIS

The following table summarizes Board staff's analysis:

Robert A. Nelson Transfer Station and Materials Recovery Facility Facility No. 33-AA-0258	Acceptable	Unacceptable	To Be Determined	Not Applicable	See Details in Agenda Item
CIWMP Conformance (PRC 50001)				X	
CoSWMP Conformance (PRC 50000)	X				
General Plan Conformance (PRC 50000.5)	X				
Conformance With State Minimum Standards				X	
California Environmental Quality Act	X				X
Closure/Post-Closure Maintenance Plan				X	
Funding for Closure/Post-Closure Maintenance				X	
Operating Liability				X	
RFI Completeness	X				

### California Environmental Quality Act (CEQA)

State law requires the preparation and certification of an environmental document. The Riverside County Waste Management Department, acting as lead agency, prepared an environmental impact report (EIR) for the proposed project. The EIR (SCH #92022041) was reviewed for consistency with the proposed permit and CEQA requirements. Board staff provided comments on the draft EIR on February 11, 1992. The County Board of Supervisors adopted a statement of overriding considerations regarding impacts associated with odor, air quality, and noise. In addition, the LEA provided a statement that the proposed permit is consistent with and supported by existing CEQA analysis.

## VI. FUNDING INFORMATION

Not applicable.

## VII. ATTACHMENTS

1. Location Map
2. Site Map
3. Proposed Permit
4. Resolution 97-501

## VIII. APPROVALS

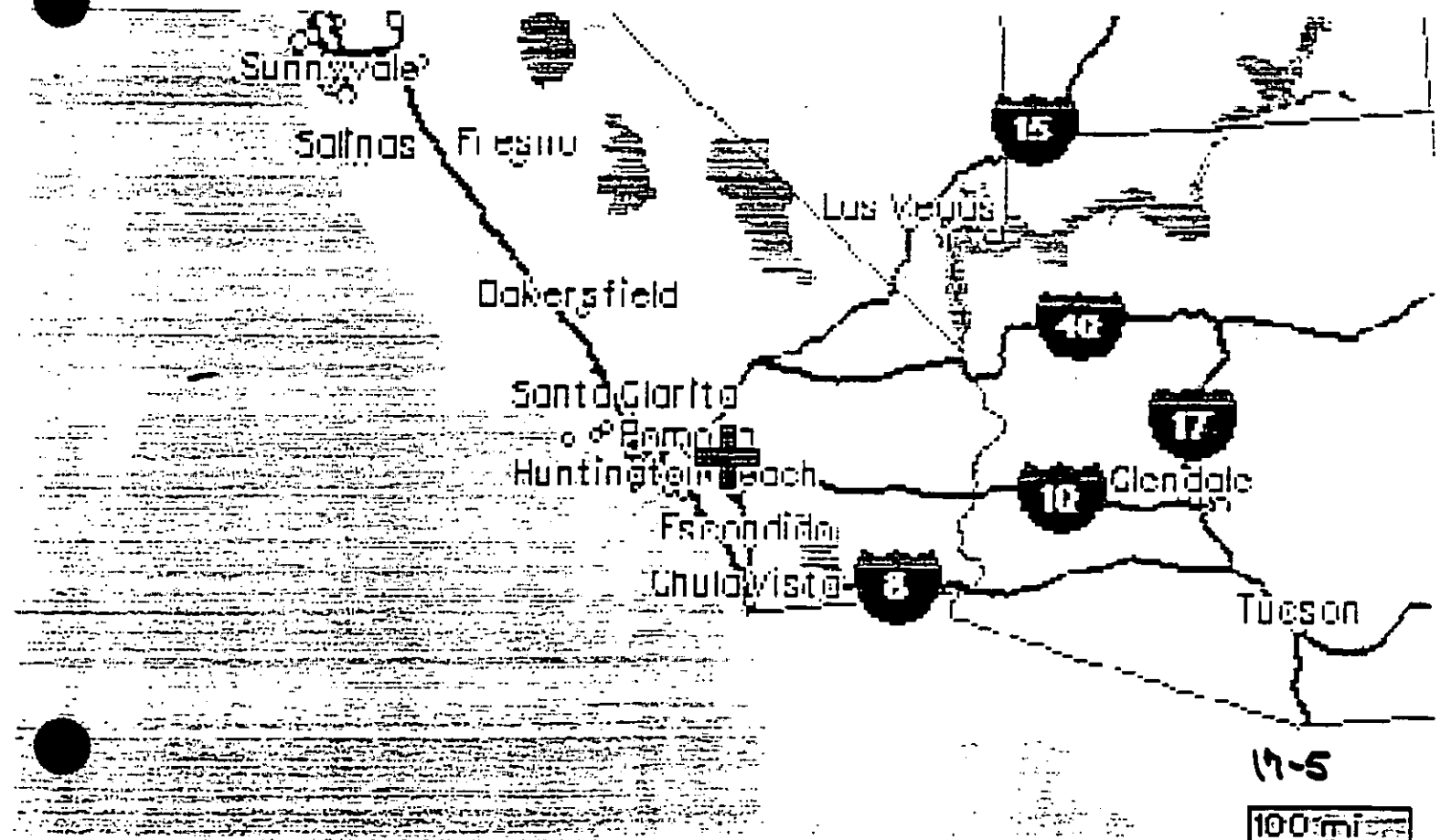
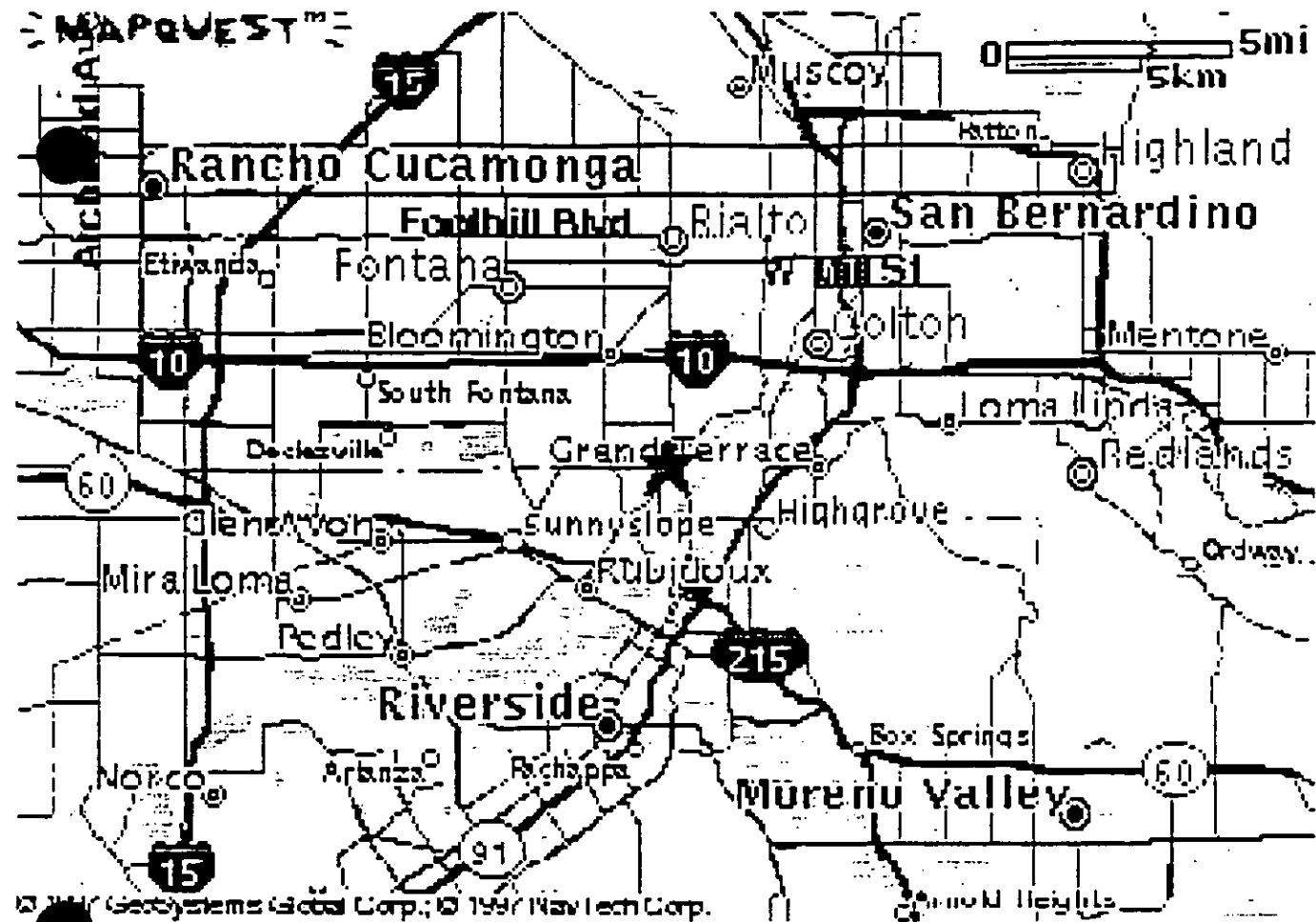
Prepared By: David Otsubo 10/27/97  
PW 10/28/97  
Reviewed By: Paul Willman/Don Dier. Jr. 10/28/97  
Reviewed By: Dorothy Rice D. Rice  
Legal Review: Kathryn J. Dobier

Phone: 255-3303

Phone: 255-2453

Phone: 255-2431

Date/Time: 10/28/97





UNDEVELOPED AREA

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2:1 MAX SLOPE  
LANDSCAPE BERM

FUTURE  
RAIL  
SPUR

PROPERTY LINE

PHASE I  
TRANSFER STATION

HHW DROP-  
OFF AREA

BUY-BACK  
AREA

PHASE II  
MATERIALS RECOVERY  
FACILITY

TWO-STORY  
OFFICE/VIEWING  
AREA

SCALEHOUSE

FUEL ISLAND

6' HIGH CHAIN LINK FENCE  
W/ BARBED WIRE

6' HIGH CONCRETE BI  
SCREEN WALL

TRUCK  
WASH BAY

BIN STORAGE  
AREA

COMPRESSOR  
CANOPY

OFFICE

MAINTENANCE  
BUILDING

A G U A

M A N S A

R O A D

EMPLOYEE  
AREA

PRIMARY  
ENTRANCE



DRAWINGS PREPARED FOR:  
**BURRTEC**  
WASTE SERVICES LLC  
6890 Cherry Avenue  
Fontana, California 92335

PROJECT:  
**Robert A. Nelson Transfer Station  
and Materials Recovery Facility**  
RIVERSIDE COUNTY, CALIFORNIA

**TS / MRF SITE PLAN**

Fig

4

# SOLID WASTE FACILITY PERMIT

1. Facility/Permit Number

33-AA-0258

## 2. Name and Street Address of Facility

Robert A. Nelson Transfer Station and  
Materials Recovery Facility  
1830 Agua Mansa Road  
Riverside, CA 92509

## 3. Name and Mailing Address of Operator

Agua Mansa MRF, LLC  
c/o Burner Waste Industries, Inc.  
9890 Cherry Avenue  
Fontana, CA 92335

## 4. Name and Mailing Address of Owner

Riverside County Waste Resources  
Management District  
1995 Marker Street  
Riverside, CA 92501

## 5. Specifications:

## a. Permitted Operations

- ☐ Composting Facility (mixed wastes)  
☐ Composting Facility (yard waste)  
☐ Landfill Disposal Site  
☒ Material Recovery Facility

- ☐ Processing Facility  
☒ Transfer Station  
☐ Transformation Facility  
☐ Other:

## b. Permitted Hours of Operation:

Offices	Monday through Friday	8:00 a.m. - 5:00 p.m.
Scalehouse	Monday through Sunday	7:00 a.m. - 6:00 p.m.
Transfer Station		
Receipt of Waste	Monday through Sunday	7:00 a.m. - 6:00 p.m.
Loading	Monday through Sunday	24 hours a day

## c. Permitted Tons per Operating Day:

Non-Hazardous - General	2,100 Tons/Day
Non-Hazardous - Separated or commingled recyclables	600 Tons/Day
<b>Total</b>	<b>2,700 Tons/Day</b>

## d. Permitted Traffic Volume:

Non-Hazardous - General	1,452 Vehicles/Day
Non-Hazardous - Separated or commingled recyclables	120 Vehicles/Day
<b>Total</b>	<b>1,582 Vehicles/Day</b>

## e. Key Design Parameters (Detailed parameters are shown on site plans bearing LEA and CIWMB validations):

	Total	Disposal	Transfer	MRF	Composting	Transformation
Permitted Area (in acres)	12.5 a	0 a	1.02 a	1.18 a	0 a	0 a
Design Capacity		cy	2,100 tpd	600 tpd	0 tpd	0 tpd
Maximum Elevation (Ft. MSL)		ft				
Maximum Depth (Ft. BSG)		ft				
Estimated Closure Date						

This permit is granted solely to the operator named above, and is not transferable. Upon a change of operator, this permit is no longer valid. Further, upon a significant change in design or operation from that described herein, this permit is subject to revocation or suspension. The attached permit findings and conditions are integral parts of this permit and supersede the conditions of any previously issued solid waste facility permits.

## 6. Approval:

John M. Fanning/Director, Riverside County Department of Environmental Health

## 7. Enforcement Agency Name and Address:

Local Solid Waste Management  
Enforcement Agency for Riverside  
County  
4080 Lemon Street, 9<sup>th</sup> Floor  
P.O. Box 1280  
Riverside, CA 92502-1280

## 8. Received by CIWMB:

OCT. 14 1997

## 9. CIWMB Concurrence Date:

## 10. Permit Review Due Date:

## 11. Permit Issued Date:

## 12. Legal Description of Facility (attach map with RFI):

Section 2 of Township 2 South, Range 5 West; 117° 22' 51" Latitude and 54° 02' 15" Longitude

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# SOLID WASTE FACILITY PERMIT

1. Facility/Permit Number

33-AA-0258

## 13. Findings:

- a. This permit is consistent with the Nondisposal Facility Element (approved on May 23, 1995 and amended on June 25, 1997).
- b. This permit is consistent with the County Solid Waste Management Plan. Public Resources Code, Section 50000(a)(4).
- c. This permit is consistent with standards adopted by the California Integrated Waste Management Board (CIWMB). Public Resources Code, Section 44010.
- d. The proposed design and operation of the facility is in compliance with the State Minimum Standards for Solid Waste Handling and Disposal as determined by the LEA.
- e. An Environmental Impact Report is filed with the State Clearinghouse (SCH#92022011) pursuant to Public Resources Code, Section 21081.6.
- f. Riverside County Waste Resources Management District Planning Section has made a written determination that the facility is consistent with, and designated in, the Riverside County general plan. Public Resources Code, Section 50000.5 (a).
- g. The Riverside County Department of Planning has made a written finding that surrounding land use is compatible with the facility operation, as required in Public Resources Code, Section 50000.5 (a).

## 14. Prohibitions:

The permittee is prohibited from accepting the following items:

- |                 |                       |  |                  |
|-----------------|-----------------------|--|------------------|
| • Medical waste | • Hazardous waste     | • Radiological waste                             | • Liquid waste   |
| • Dead animals  | • Designated waste    | • Explosives                                     | • Burning Wastes |
| • Sewage sludge | • Liquid waste sludge | • Non-hazardous waste requiring special handling |                  |

## 15. The following documents also describe and/or restrict the operation of this facility:

- |  | Date    |   | Date    |
|--|---------|---|---------|
| <input checked="" type="checkbox"/> Report of Station Information                      | 10/97   | <input checked="" type="checkbox"/> Contract Agreements – operator and contract | 7/24/97 |
| <input type="checkbox"/> Land Use Permits and Conditional Use Permits                  |         | <input type="checkbox"/> Waste Discharge Requirements                           |         |
| <input type="checkbox"/> Air Pollution Permits and Variances                           |         | <input type="checkbox"/> Local & County Ordinances                              |         |
| <input checked="" type="checkbox"/> EIR  | 1/20/94 | <input type="checkbox"/> Final Closure & Post Closure Maintenance Plan          |         |
| <input checked="" type="checkbox"/> Lease and Contract Agreements - owner and operator | 3/11/97 | <input type="checkbox"/> Amendments to RFI                                      |         |
| <input type="checkbox"/> Preliminary Closure/Post Closure Plan                         |         | <input type="checkbox"/> Operating Liability                                    |         |
| <input type="checkbox"/> Closure Financial Responsibility Document                     |         | <input type="checkbox"/> Other (list):  |         |

## 16. LEA Conditions:

- a. This facility shall comply with all federal, state and local requirements and enactments, which are enforced by the appropriate authorized agencies, including all mitigation measures given in any certified environmental document filed pursuant to Public Resources Code, Section 21081.6.
- b. This facility shall comply with all applicable State Minimum Standards for Solid Waste Handling and Disposal.
- c. The operator shall make copies of all inspection reports and permits issued by this and other regulatory agencies available for review by site personnel and authorized representatives of all responsible agencies during normal office hours.
- d. Solid Wastes shall not remain on site for more than 48 hours.

# SOLID WASTE FACILITY PERMIT

1. Facility/Permit Number

33-AA-0258

## 16. LEA Conditions (continued):

- e. The facility is permitted to receive the following non-hazardous solid wastes:

Mixed municipal solid wastes and mixed residential, commercial, co-mingled and source-separated curbside recyclables. Source separated green material may be received for transfer to an approved green material processing facility or permitted composting facility.

- f. The operator shall implement practices to exclude hazardous waste materials and other prohibited wastes from the facility (RSI, Appendix B).
- g. The operator shall maintain a log of special occurrences at the facility. This log shall be available for review by LEA and facility personnel during normal office hours. At a minimum, the following items shall be recorded in the facility's special occurrences log:
- 1) Weather conditions that adversely impact operations
  - 2) Fires
  - 3) Explosions
  - 4) Any condition or incident that forces the facility to close
  - 5) Any incidents involving hazardous waste or prohibited wastes
  - 6) Accidents and/or injuries
  - 7) Visits by regulatory agencies (name, agency, mailing address and telephone number)
- h. The operator shall have maintenance crews collect litter and sweep building entrances and exits on a daily basis. Litter near the project shall be collected at least twice a week or more frequently as determined by the LEA.
- i. The following environmental measurements and self-monitoring reports shall be reported to the LEA on a quarterly basis:
- numbers and types of vehicles utilizing the facility each day (i.e., collection vehicle, transfer truck and public passenger cars)
  - quantities and types of wastes received each day
  - quantities and types of wastes sent to disposal site(s) each day
  - quantities and types of recyclables recovered each day

A responsible officer or representative of the permittee shall attest to the accuracy of the report, and sign to that effect. The report shall be submitted to the LEA in accordance with the following schedule:

### REPORTING PERIOD

January through March  
April through June  
July through September  
October through December

### REPORT DUE

May 1  
August 1  
November 1  
February 1

- j. Stored recyclables shall neither interfere with facility operations nor cause a public health hazard or nuisance. Stored recyclables may remain on site for no more than 1 month, unless otherwise approved by the LEA. The LEA reserves the authority to reduce the maximum storage time of recyclables as necessary to protect public health and minimize odors, flies, rodents or other nuisance conditions.
- k. Non-salvageable materials shall remain on-site no longer than 48 hours. The LEA reserves the authority to increase waste removal frequencies to protect public health or prevent a nuisance caused by odors, flies, rodents or other vectors, or to prevent the risk of fire or other hazards.

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# SOLID WASTE FACILITY PERMIT

1. Facility/Permit Number

33-AA-0258

## 16. LEA Conditions (continued):

- l. The LEA reserves the authority to suspend or modify waste-receiving operations when deemed necessary due to an emergency, a potential public health hazard or the creation of a public nuisance.
- m. This permit is subject to review by the LEA, and may be suspended, revoked or modified at any time for sufficient cause.
- n. The operator shall notify the LEA, in writing, of any proposed changes in facility operations or design during the planning stage. In no case shall the operator implement any change without first submitting a written notice of the proposed change to the LEA 150 days prior to the date the change is to occur/begin. Should the LEA find a change to significantly deviate from the terms and conditions of this permit, the operator must obtain a revision to this permit before affecting the proposed change.
- o. All boxes, bins, pits, tipping floors or other waste containers shall be cleaned on a weekly basis to prevent the occurrence of threats to the public health or nuisance caused by odors or vectors.
- p. Incoming waste hauling vehicles and exiting transfer trucks carrying solid wastes shall have covered loads to prevent litter from blowing out while in transit.
- q. Adequate off-street parking facilities for transfer vehicles shall be provided. Uncleaned transfer vehicles emitting odors or discharging wastes shall not be parked on public streets except during emergency conditions.
- r. The facility operator shall provide an up-to-date list of firms or agencies, which can supply needed, adequate equipment units within a reasonable period.
- s. All wastes will be processed indoors to prevent exposure to surface water flows or rainwater.
- t. Prior to commencing operation of this facility, the operator shall have complied with all Agency requirements, including, but not limited to Riverside County Fire Department, Department of Building and Safety, Rubidoux Community Services District, Federal Clean Water Act, California Department of Toxic Substances, California Water Resources Board and South Coast Air Quality Management District.
- u. The emission of odors shall be minimized with fans, barriers or other means deemed necessary by the LEA to prevent a threat to public health or a public nuisance.
- v. Visual impacts shall be minimized by screening or other measures. Accumulations of spare parts, drums, inoperable equipment, tires, white goods and scrap shall be minimized.
- w. The facility operator shall provide the LEA with a current list of names, addresses and telephone numbers of the operator, station manager and supervisor.
- x. A sign shall be posted at an appropriate point indicating the schedule of charges, hours of operation and a list of the general types of materials, which (1) will be accepted and (2) will not be accepted.
- y. The facility shall have an attendant on duty during hours of operation to visually monitor operations, to prevent problems of health, fire or safety significance.
- z. The operator shall provide a misting system or other approved mitigation measures to control dust.
- aa. Source separated green material shall not be stored at the facility for longer than 48 hours.

## **CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**

### **Resolution 97-501**

#### **CONSIDERATION OF THE ISSUANCE OF A NEW SOLID WASTE FACILITY PERMIT FOR THE ROBERT A. NELSON TRANSFER STATION AND MATERIALS RECOVERY FACILITY, RIVERSIDE COUNTY**

**WHEREAS**, Agua Mansa MRF, LLC, an operating company of Burrtec Waste Industries, Inc. has applied to operate the North County Transfer Station and Materials Recovery Facility in unincorporated Riverside County; and

**WHEREAS**, the County of Riverside Waste Management Department, acting as lead agency, prepared an environmental impact report (EIR) for the project; and

**WHEREAS**, the EIR identified three impacts (odor, air quality, noise) that could not be completely mitigated; and

**WHEREAS**, the County Board of Supervisors adopted a resolution in August 1994 which certified the EIR, made a statement of overriding considerations relating to the three unmitigatable impacts, and approved the project; and

**WHEREAS**, the operator has renamed the project to be the Robert A. Nelson Transfer Station and Materials Recovery Facility; and

**WHEREAS**, the applicant submitted an application to the County of Riverside Department of Environmental Health, the local enforcement agency (LEA), on September 3, 1997, which was accepted as complete on October 2, 1997; and

**WHEREAS**, the LEA submitted the proposed permit on October 14, 1997; and

**WHEREAS**, Board staff have evaluated the proposed permit for consistency with the standards adopted by the Board; and

**WHEREAS**, the Board finds that all state and local requirements for the proposed permit have been met, including consistency with Board standards, conformance with the Non-Disposal Facility Element of the County Integrated Waste Management Plan, consistency with the County General Plan, and compliance with the California Environmental Quality Act;

**NOW, THEREFORE, BE IT RESOLVED** that the California Integrated Waste Management Board concurs in the issuance of Solid Waste Facility Permit No. 33-AA-0258.

## CERTIFICATION

The undersigned Executive Director, or his designee, of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on November 19, 1997.

Dated:

Ralph E. Chandler

Executive Director

# California Integrated Waste Management Board

## Board Meeting

November 19, 1997

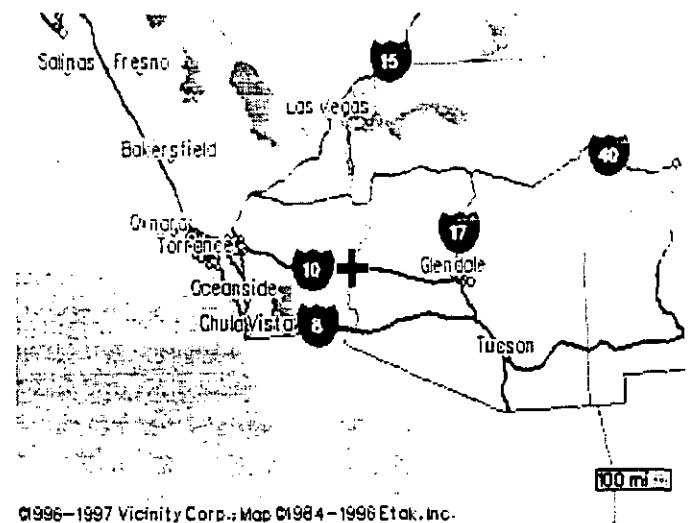
### AGENDA ITEM 18

**ITEM: CONSIDERATION OF THE ISSUANCE OF A REVISED SOLID WASTE FACILITY PERMIT FOR THE BLYTHE SANITARY LANDFILL, RIVERSIDE COUNTY**

#### I. SUMMARY

##### Facility Facts

Name:	Blythe Sanitary Landfill. Facility No. 33-AA-0017
Facility Type:	Class III Sanitary Landfill
Location:	Off Midland Road, six miles north of the City of Blythe
Permitted Area:	335 acres, no disposal area specified
Proposed Area:	335 acres total, 78.1 acres for landfilling
Setting:	Surrounding land use is open space (desert) and agriculture
Operational Status:	Active, currently operating under a permit issued by the LEA in July 1979
Permitted Tonnage:	55 tons per day (TPD)
Proposed Tonnage:	400 tons per day (TPD)
Capacity:	8.8 million cubic yards total airspace with about 5 million cubic yards remaining as of May 1996





Estimated  
Closure:

2034

Owner/  
Operator:

Riverside County Waste Resources Management District  
Robert Nelson, CEO

LEA:

Riverside County Department of Environmental Health  
John Fanning, Director

### Proposed Project

The proposed permit would allow the site to take a maximum of 400 tons per day and an average of 69 tons per day of solid waste. It would also establish a maximum "disposal footprint" of 78.1 acres, a maximum elevation of 525 feet mean sea level, and an estimated capacity of 8.8 million cubic yards with a closure date of 2034. In addition, the permit would allow operation of the facility, during daylight hours only, anytime from 6:00 a.m. to 8:00 p.m., although initially the operator has indicated lesser hours are adequate.

### Site History

The Blythe Sanitary Landfill has operated since 1958. Originally, the Bureau of Land Management owned the land, but it was transferred to the County in 1963. In 1979, the facility received its initial, and current, solid waste facility permit. The permit was issued to the Riverside County Road Department. The revision of the permit has been delayed due to various reasons, including the determination that the site was in Desert Tortoise habitat and, most recently, that there was a need for an adjustment in the California Environmental Quality Act (CEQA) documentation because of higher than expected peak loads.

Until July 1993, the site had no scales, and tonnage was estimated from annual flyovers. A stipulated order of compliance was issued which directed the operator to obtain scales and to complete an application for permit revision. This order expired in 1994, the operator having obtained the scales and making progress toward completing their permit application.

This site is also regulated by the Colorado Regional Water Quality Control Board under Waste Discharge Requirements (WDRs) issued in 1991 and updated by the general (Subtitle D related) WDRs issued in 1993.

This site serves the Blythe area and is the only landfill in the County east of Desert Center (near the proposed site of the Eagle Mountain Landfill). Originally permitted as a cut and fill operation, the site now employs the area fill method. New disposal occurs on top of the existing footprint, eliminating the need for and expense of building new lined cells.

The operator, the Riverside County Waste Resources Management District, seeks to primarily increase the maximum amount of waste accepted at the site. The 1979 permit indicated that the site received 55 tons per day. As in the case of most of the permits of that era, this was an average figure. Although this proposed permit would allow the site to take up to 400 tons per day, the *average* amount of waste would only increase to 69 tons per day.

The 1979 permit does not specify disposal acreage, nor does it specify a maximum elevation or discuss a capacity. It does state that closure would occur over 60 years from that time. The operator prepared a *Report of Disposal Site Information* (RDSI) in 1989 in which it was estimated that the total capacity of the site was about 3.2 million cubic yards. The 1989 RDSI (which was never referenced in an issued permit) also contained a grading plan which showed that the landfill was to reach about 456 feet above sea level.

The proposed permit would establish the current disposal area of 78.1 acres as the limit of the "footprint," a maximum elevation of 525 feet mean sea level, and a capacity of 8.8 million cubic yards and estimates that the site will close in 2034. The proposed permit also includes the disposal of septic wastes, chemical toilet wastes, and grease trap pumpings at two lined liquid waste ponds. At most, four liquid waste trucks visit the site on any given day. The operator maintains at least two feet of freeboard at the ponds.

Also, the site originally was accessible 24 hours per day all week and manned from 8:00 a.m. to 5:00 p.m. every day except Sunday. The proposed permit would allow the facility to be open (and manned) during daylight hours only.

The proposed permit also reflects the current operator's name. In 1979, it was the County Road Department. In the interim, it became the Riverside County Department of Waste Management. In 1994, Riverside County reorganized the structure of its solid waste department (operator). It is now the Riverside County Waste Resources Management District. Robert Nelson, formerly Director of the Department, stayed on as the Chief Executive Officer of the District. Instead of being under the County's Chief Administrative Officer, Mr. Nelson now reports directly to the Board of Supervisors.

The site is surrounded by open space, mostly desert. There are no residences within 1,000 feet of the site.

In 1995, an average of 47 vehicles per day visited the site. Midland Road provides the access to the site. Vehicles must then pass the scale house before reaching the disposal area. Signs direct the vehicles to the working face.

At the active face, waste will be spread and compacted throughout the day. Soil cover is applied daily, although the operator may implement an alternative daily cover program in the future.

## **II. PREVIOUS COMMITTEE ACTION**

At the time that this item was prepared, this item had not yet been presented to the Permitting and Enforcement Committee.

## **III. OPTIONS FOR THE BOARD**

Requirements for Concurrence with the Solid Waste Facilities Permit Pursuant to Public Resources Code, Section 44009, the Board has 60 calendar days to concur in or object to the issuance of a Solid Waste Facility Permit. Since the permit was received on October 17, 1997, the last day the Board could act is December 16, 1997.

Board Members may decide to:

1. Concur in the issuance of the proposed permit:
2. Object to the issuance of the proposed permit: or
3. Take no action on the proposed permit: if no action is taken within 60 days of the receipt of the proposed permit, the Board shall be deemed to have concurred in the issuance of the permit as submitted.

#### IV. STAFF RECOMMENDATION

At the time that this item was prepared, staff had not yet completed the review of the proposed permit package. Staff anticipates that a recommendation will be made at the November 5 Permitting and Enforcement Committee meeting.

#### V. ANALYSIS

The following table summarizes Board staff's analysis:

Blythe Sanitary Landfill Facility No. 33-AA-0017	Accept- able	Unapt- able	To Be Deter- mined	Not Applic- able	See Details in Agenda Item
CIWMP Conformance (PRC 50001)				X	
CoSWMP Conformance (PRC 50000)			X		
General Plan Conformance (PRC 50000.5)			X		
Conformance With State Minimum Standards	X				1
California Environmental Quality Act	X				2
Closure/Post-Closure Maintenance Plan	X				
Funding for Closure/Post-Closure Maintenance			X		
Operating Liability			X		
RFI Completeness	X				

##### 1. State Minimum Standards

In conjunction with LEA staff, Vance Tracy of the Board's Fullerton office inspected the facility on October 22, 1997, and determined that there were no violations of state minimum standards.

##### 2. California Environmental Quality Act

The Riverside County Waste Management Department, acting as lead agency, prepared a negative declaration (SCH# 93022043) and a notice of exemption for the proposed project. Board staff commented on the negative declaration on July 14, 1994.

## VI. FUNDING INFORMATION

Not applicable.

## VII. ATTACHMENTS

1. Site Map
2. Proposed Permit

## VIII. APPROVALS

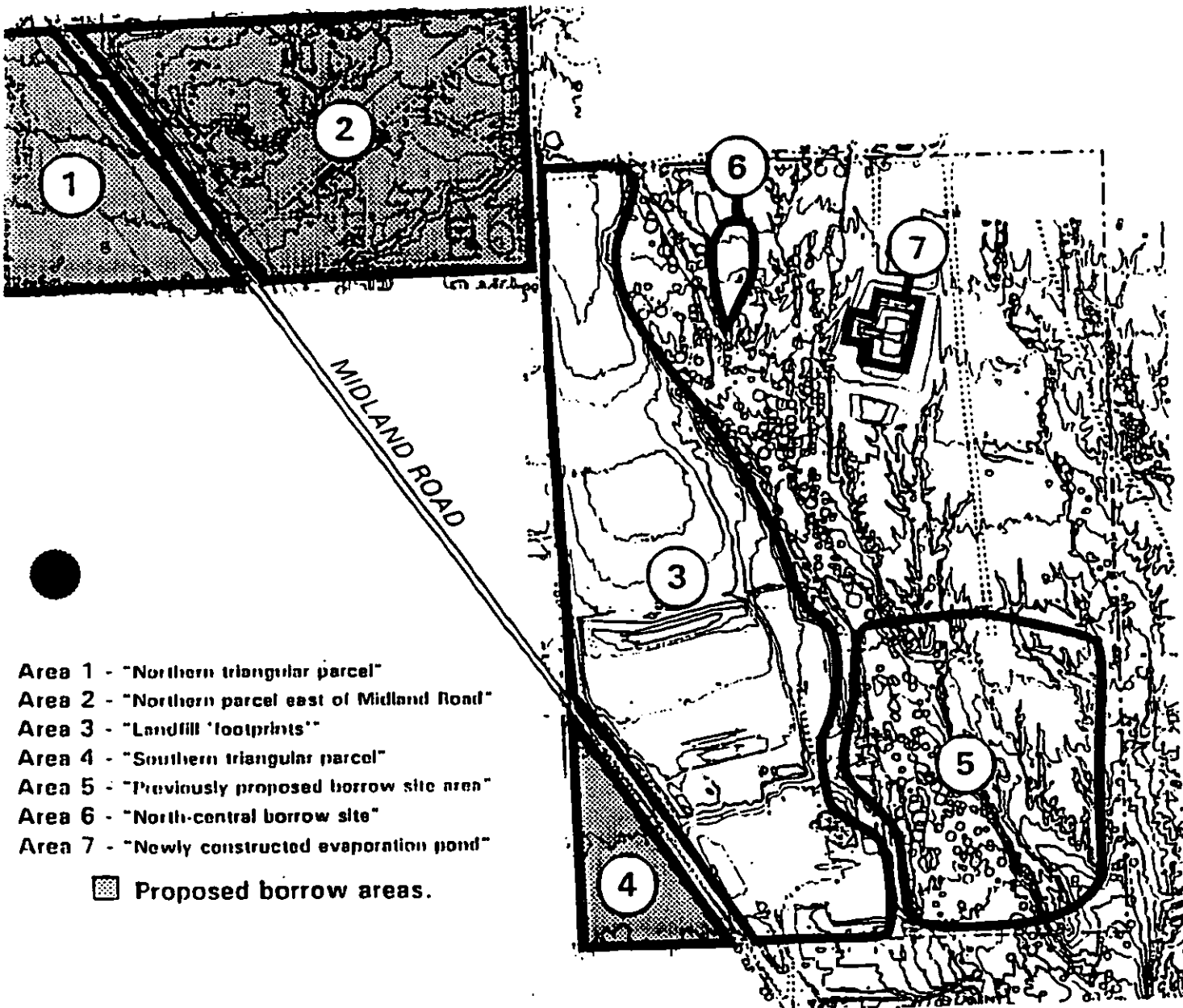
Prepared By: David Otsubo *D.O. 10/28/97*  
Reviewed By: Paul Willman/Don Dier, Jr. *PW 10/28/97*  
Reviewed By: Dorothy Rice *D. Rice*  
Legal Review: *Kathryn Jobier*

Phone: 255-3303

Phone: 255-2453

Phone: 255-2431

Date/Time: 11/5/97



MAP 5. BLYTHE LANDFILL: Reference Areas.

MAP SOURCE: RCFC & WCD.

**SOLID WASTE FACILITY PERMIT**

1. Facility/Permit Number

**33-AA-0017/97-02**

## 2. Name and Street Address of Facility

Blythe Sanitary Landfill  
Midland Road  
Blythe, CA. 92225

## 3. Name and Mailing Address of Operator

Waste Management Resources  
District  
1995 Market Street  
Riverside, CA. 92504

## 4. Name and Mailing Address of Owner

Waste Management Resources  
District  
1995 Market Street  
Riverside, CA. 92504

## 5. Specifications - -

## a. Permitted Operations

- ☐ Composting Facility (mixed wastes)  
☐ Composting Facility (yard waste)  
☒ Landfill Disposal Site  
☐ Material Recovery Facility

- ☐ Processing Facility  
☐ Transfer Station  
☐ Transformation Facility  
☐ Other

## b. Permitted Hours of Operation:

Monday through Saturday 8:00 a.m. to 4:30 p.m. and 1st Sunday of each month from 10:00 a.m. to 2:00 p.m. May change hours of operation to 6:00 a.m. to 8:00 p.m. Monday through Sunday, with prior notification to the LEA. Closed New Years Day, Easter Sunday, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, Christmas Day.

## c. Permitted Tons per Operating Day:

	Maximum
Non-Hazardous- General	400 Tons/Day
Non-Hazardous - Sludge	00 Tons/Day
Non-Hazardous - Separated or commingled recyclables	00 Tons/Day
Non-Hazardous - Other (See Section 14 of Permit)	00 Tons/Day
Designated (See Section 14 of Permit)	00 Tons/Day
Hazardous (See Section 14 of Permit)	00 Tons/Day
<b>Total</b>	<b>400 Tons/Day</b>

## d. Permitted Traffic Volume:

Public and Commercial Solid Waste Haulers	130 Vehicles/Day
Non-Hazardous - Other : Liquid Waste Pumps	10 Vehicles/Day
<b>Total</b>	<b>140 Vehicles/Day</b>

## e. Key Design Parameters (Detailed parameters are shown on site plans bearing LEA and CIWMB validations):

	Total	Disposal	Transfer	MRF	Composting	Transformation
Permitted Area (in acres)	335 a	78.1 a	a	a	a	a
Design Capacity		3,402,000 cy	tpd	tpd	tpd	tpd
Maximum Elevation (Ft. MSL)		525 ft				
Maximum Depth (Ft. MSL)		420 ft				
Estimated Closure Date		May 2034				

Upon a significant change in design or operation from that described herein, this permit is subject to revocation or suspension. The attached permit findings and conditions are integral parts of this permit and supersede the conditions of any previously issued solid waste facility permits

## 6. Approval:

John M. Fanning/Chairman, LEA

## 7. Enforcement Agency Name and Address:

Local Solid Waste Management Enforcement  
 Agency for Riverside County  
 1737 Atlanta Avenue, Building "H-5"  
 Riverside, CA 92507

## 8. Received by CIWMB:

**8/2/97**

## 9. CIWMB Concurrence Date:

## 10. Permit Review Due Date:

## 11. Permit Issued Date:

## 12. Legal Description of Facility:

S 1/2, SE 1/4, Section 25, T 5 S, R 22 E and NW 1/4, N 1/2, SW 1/4 Section 31, T 5 S, R 23 E San Bernardino Base Meridian

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# SOLID WASTE FACILITY PERMIT

1. Facility/Permit Number

33-AA-0017/97-02

## 13. Findings - -

- a. This permit is consistent with the County Sitng Element . page (4-9). Public Resources Code. Section 50000 (a) 5 Date September 1996.
- b. This permit is consistent with standards adopted by the California Integrated Waste Management Board (CIWMB) Public Resources Code, Section 44010.
- c. The design and operation of the facility is in compliance with the State Minimum Standards for Solid Waste Handling and Disposal as determined by the LEA on October 22, 1997.
- d. The Riverside County Fire Department has determined that the facility is in conformance with applicable fire standards as required in Public Resources Code, Section 44151
- e. A Notice of Determination was filed with the State Clearinghouse (SCH #93022043) pursuant to Public Resources Code, Section 21081.6. December, 1994
- f. A Notice of Exemption was filed with the County Clerk on June 25, 1996.
- g. A Countywide Integrated Waste Management Plan has not been approved by the California Integrated Waste Management Board.
- i. The Riverside County Board of Supervisors made a written determination that the facility is consistent with and designated in the applicable general plan. Public Resources Code, Section 50000.5 (a) (December 1994)
- j. The Riverside County Planning Department has made a written finding that surrounding land use is compatible with the facility operation, as required in Public Resources Code, Section 50000.5 (b) (July 1991)

## 14. Prohibitions - -

The permittee is prohibited from accepting any liquid waste sludge, medical waste, non-hazardous waste requiring special handling, designated waste, or hazardous waste unless the acceptance of such waste is authorized by all applicable permits.

The permittee is additionally prohibited from the following items:

- nighttime operations without approved lighting
- burning of wastes
- scavenging
- acceptance of any material after proposed grade has been met
- disposal of waste beyond handling capacity

## 15. The following documents also describe and/or restrict the operation of this facility :

<input checked="" type="checkbox"/> Report of Facility Information	Date	<input checked="" type="checkbox"/> Waste Discharge Requirements	Date
<input checked="" type="checkbox"/> Amendments to RFI	May 1994	<input checked="" type="checkbox"/> Operating Liability	Dec. 1993
	July 1996		Oct 1994
	Aug 1996		
	Oct 1996		
<input checked="" type="checkbox"/> Negative Declaration	March 1997		
<input checked="" type="checkbox"/> NOE	Dec 1994		
<input checked="" type="checkbox"/> Preliminary Closure/ Postclosure Plan	June 1996	<input checked="" type="checkbox"/> Closure Financial Responsibility Document	Sept 1997
	Nov. 1994		

## 16. Self-Monitoring - -

- a. The following environmental measurements shall be reported to the LEA on a quarterly basis:
  - number and type of vehicles utilizing the site each day (collection and public "loads")
  - quantities and types of wastes received each day
  - results of load checking program

A responsible officer or representative of the permittee shall attest to the accuracy of the report, and sign to that effect. The report shall be submitted to the LEA in accordance with the following schedule:

### REPORTING PERIOD

January through March  
April through June  
July through September  
October through December

### REPORT DUE

May 1  
August 1  
November 1  
February 1

18-8

# SOLID WASTE FACILITY PERMIT

1. Facility/Permit Number

33-AA-0017/97-02

## 17. LEA Conditions - -

- a. The operator shall make copies of all inspection reports and permits issued by this and other regulatory agencies available for review by site personnel and authorized representatives of all responsible agencies during normal office hours. In addition, a copy of this permit, the Report of Facility Information and special occurrence log shall be maintained onsite.
- b. The facility is permitted to receive the following non-hazardous solid wastes: Residential waste, mixed municipal waste, agricultural, construction/ demolition, tires from individuals, non-hazardous industrial, triple rinsed and punctured empty pesticide containers, dead animals, grits and screenings. Also septic wastes, chemical toilet wastes and grease trap pumpings may be accepted at the ponds.
- c. Any additional information the LEA deems necessary to permit and inspect this facility shall be provided by the operator.
- d. This permit supersedes previous permit 33-AA-0017 issued on 6-21-79. This permit reflects a change in tonnage from 55 TPD to 400 TPD maximum.
- e. To comply with Title 27, Section 20590 (Personnel Health and Safety), the operator shall ensure that all personnel assigned to waste handling/processing duties have and utilize (when and where appropriate) the following equipment: dust masks, hearing protection devices, safety glasses/goggles, safety vests, heavy work gloves, heavy work boots (steel shanks and toes recommended), and hard hats. Where applicable, this equipment shall meet all State and Federal safety standards. A copy of the site's Health and Safety Plan shall be maintained on-site.
- f. The site shall maintain the formal hazardous waste monitoring program that was approved by this agency. At a minimum, the program shall include the following:
  - inspection of all incoming loads for fugitive hazardous wastes at the fee booth/scales
  - training of all staff responsible for waste handling/management in hazardous waste recognition and site procedures in managing detected hazardous wastes
  - Provide signs listing materials prohibited from this facility
  - Maintain approved load checking program
- g. At a minimum, the following items shall be recorded in the site's special occurrences log:
  - weather conditions that adversely impact site operations
  - fires
  - explosions
  - accidents and/or injuries
  - any incidents involving hazardous waste
  - visits by regulatory agencies (name, agency, mailing address and phone number)
  - equipment down time that adversely impacts site operation



## **CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**

### **Resolution 97-502**

#### **CONSIDERATION OF THE ISSUANCE OF A REVISED SOLID WASTE FACILITY PERMIT FOR THE BLYTHE SANITARY LANDFILL, RIVERSIDE COUNTY**

**WHEREAS**, disposal operations at the Blythe Sanitary Landfill began in 1958; and

**WHEREAS**, in 1979 the operator received its initial Solid Waste Facility Permit; and

**WHEREAS**, the initial permit has not been revised; and

**WHEREAS**, Riverside County Waste Resources Management District (RCWRMD), proposes to increase tonnage intake to accommodate the waste stream of the Blythe area; and

**WHEREAS**, RCWRMD, operator of the Blythe Sanitary Landfill, has applied to revise the solid waste facility permit issued in 1979; and

**WHEREAS**, RCWRMD, acting as lead agency, prepared a mitigated negative declaration (SCH #93022043) commented on by Board staff on July 14, 1994, and adopted by the County Board of Supervisors in December 1994 and a notice of exemption on June 24, 1996 for the project; and

**WHEREAS**, the Riverside County Department of Environmental Health, acting as the local enforcement agency (LEA), submitted proposed permits in 1992 and 1996 which were subsequently withdrawn when concerns were identified; and

**WHEREAS**, the operator had resolved the outstanding issues; and

**WHEREAS**, the LEA has submitted to the Board for its review and concurrence in, or objection to, a revised Solid Waste Facility Permit for the Blythe Sanitary Landfill; and

**WHEREAS**, Board staff have evaluated the proposed permit for consistency with the standards adopted by the Board and found the facility design and operation consistent with State Minimum Standards; and

**WHEREAS**, the Board finds that all state and local requirements for the proposed permit have been met, including consistency with Board standards, conformance with the Riverside County Solid Waste Management Plan, consistency with the Riverside County General Plan, and compliance with the California Environmental Quality Act; and

**WHEREAS**, the most recent joint CIWMB/LEA inspection, conducted on October 22, 1997, documented no violations of the State Minimum Standards for Solid Waste Handling and Disposal;

**NOW, THEREFORE, BE IT RESOLVED** that the California Integrated Waste Management Board concurs in the issuance of Solid Waste Facility Permit No. 33-AA-0017.

### **CERTIFICATION**

The undersigned Executive Director, or his designee, of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on November 19, 1997.

Dated:

Ralph E. Chandler

Executive Director

# California Integrated Waste Management Board

## Board Meeting

November 19, 1997

### AGENDA ITEM 19

#### ITEM:

CONSIDERATION OF A NEW SOLID WASTE FACILITY PERMIT FOR THE MUSTANG HILL LANDFILL, KINGS COUNTY

#### I. SUMMARY

##### Facility Facts:

Name:	Mustang Hill Landfill
Facility No.	16-AA-0013
Facility Type:	Class III Sanitary Landfill
Location:	29703 Milham Rd, Kettleman City
Proposed Area:	340 acres, with a 74 acres disposal area
Setting:	Land uses within 2,000 feet of the proposed landfill site is zoned AG-40
Operational Status:	Proposed, construction has not commenced
Proposed Tonnage:	500 tons per day (TPD) of mixed municipal waste
Capacity:	10,100,000 cubic yards
Estimated Closure:	2082
Owner/ Operator:	Mr. Michael Adams, Executive Director Kings Waste & Recycling Authority
LEA:	Mr. Keith Winkler, Director Department of Public Health Division of Environmental Health Services

### Proposed Project

The proposed project is for the operation of a new Class III landfill. The proposed landfill will be located in the southwestern portion of Kings County and will consist of a 74 acre disposal footprint located on a 640 acre parcel owned by the Kings Waste and Recycling Authority; 340 acres will be permitted for landfill activity. The remaining 300 acres is proposed to be set aside as a habitat conservation area. It is predicated that the initial amount of waste will be approximately 225 tons per day, with a maximum of 500 tons per day. The life of the landfill is estimated to be 85 years. The facility will be opened to the public from 7 a.m. – 4:30 p.m. Monday through Saturday and 8-4:30 p.m. on Sundays.

## **II. PREVIOUS COMMITTEE ACTION**

As of the date that this item went to print, the Permitting and Enforcement Committee had not made a recommendation or decision on this item.

## **III. OPTIONS FOR THE BOARD OR COMMITTEE**

Requirements for Concurrence with the Solid Waste Facilities Permit Pursuant to Public Resources Code, Section 44009, the Board has 60 calendar days to concur in or object to the issuance of a Solid Waste Facility Permit. Since the proposed permit for this facility was received on October 15, 1997, the last day the Board may act is December 14, 1997.

Committee Members may decide to:

1. Recommend that the Board concur in the issuance of the proposed permit;
2. Recommend that the Board object to the issuance of the proposed permit; or
3. Make no recommendation on the proposed permit.

## **IV. STAFF RECOMMENDATION**

Staff recommend that the Board adopt Permit Decision No. 97-483 concurring in the issuance of Solid Waste Facility Permit No. 16-AA-0013.

## **V. ANALYSIS**

### LEA Analysis

The LEA/EA submitted the following items to the CIWMB:

- LEA/EA Certification - A certification from the LEA/EA that the permit package is complete and correct, including a statement that the RFI meets the requirements of at that time the RDSI was prepared (Title 14 CCR section 18222).
- LEA/EA CEQA Finding - A finding that the proposed permit is consistent with and is supported by the existing CEQA analysis.

### Staff Analysis

Staff have reviewed the proposed permit and the above documentation and have found that the permit package has met the requirements of California Code of Regulations, Titles 27 and/or Title 14 and is acceptable for the Board's consideration of concurrence. The following table summarizes Board staff's analysis:

Mustang Hill Landfill Facility No. 16-AA-0013	Accept- able	Unapt- able	To Be Deter- mined	Not Applic- able	See Details in Agenda Item
CIWMP Conformance (PRC 50001)	✓				
CoSWMP Conformance (PRC 50000)				✓	
General Plan Conformance (PRC 50000.5)				✓	
Conformance With State Minimum Standards	✓				
California Environmental Quality Act	✓				✓
Closure/Post-Closure Maintenance Plan	✓				
Funding for Closure/Post-Closure Maintenance	✓				
Operating Liability	✓				
RFI Completeness	✓				

### California Environmental Quality Act (CEQA)

Kings County Planning Agency (KCPA) prepared a Draft Program EIR (SCH# 90020289) in July 1990 which examined five Kings County Solid Waste Transfer and Disposal Site Alternatives and the potential impacts that may result from implementation of each option. The document was developed in response to applications for conditional use permits from the Kings County Waste Management Authority (KCWMA). Options C, D, and E include the establishment of a new landfill then referred to as Kettleman Hills Landfill, now referred to as Mustang Hills Landfill, and the establishment of a transfer station at one of three locations. Board staff reviewed and commented on the Draft Program EIR (comment letter dated 9/21/90).

In May 1991, KCPA prepared a Revised Draft Program EIR for the Kings County Solid Waste Transfer and Disposal Site Alternatives (SCH#90020289). Board staff reviewed and commented on the Revised Draft Program EIR (comment letter dated 6/21/91). The revised draft programmed EIR contains comments made on the original draft EIR and the lead agency's response to comments, additional analysis of potential impacts to biological resource and hydrological conditions, a wildlife mitigation monitoring plan, errata section and revised mitigation monitoring plan. In July 1991, KCPA prepared a Final Environmental Impact Report for Kings County Solid Waste Transfer and Disposal Site Alternatives. The Final EIR contains additional comments and response to comments.

The Final EIR was certified by Kings County Board of Supervisors in February 1992 and approved the construction of Kettleman Hills Landfill and the development of a transfer station adjacent to the Hanford landfill. The EIR indicates unavoidable significant adverse impacts to air quality (PM<sub>10</sub>), and land use (farm land taken out of production). Board staff has determined that these impacts are outside the Board's authority and responsibility. The Kings County Board of Supervisors adopted a statement of overriding considerations for these impacts. Board staff find that the statement meets the requirements of CEQA Guidelines Section 15093.

In March 1993, KCPA prepared a Final Supplemental Environmental Impact Report (FSEIR) (SCH# 92062017) for the Kings County Integrated Solid Waste Management Complex. The FSEIR analyzed the specific potential impacts that may result from a proposed waste management complex, an expanded facility from the transfer station described in the July 1990 EIR, to be built adjacent the Hanford Landfill.

Board staff finds the environmental analysis contained in the above documentation adequate for the Board's consideration.

## VII. ATTACHMENTS

1. Location Map
2. Site Map
3. Permit No. 16-AA-0013
4. Permit Decision No. 97-483

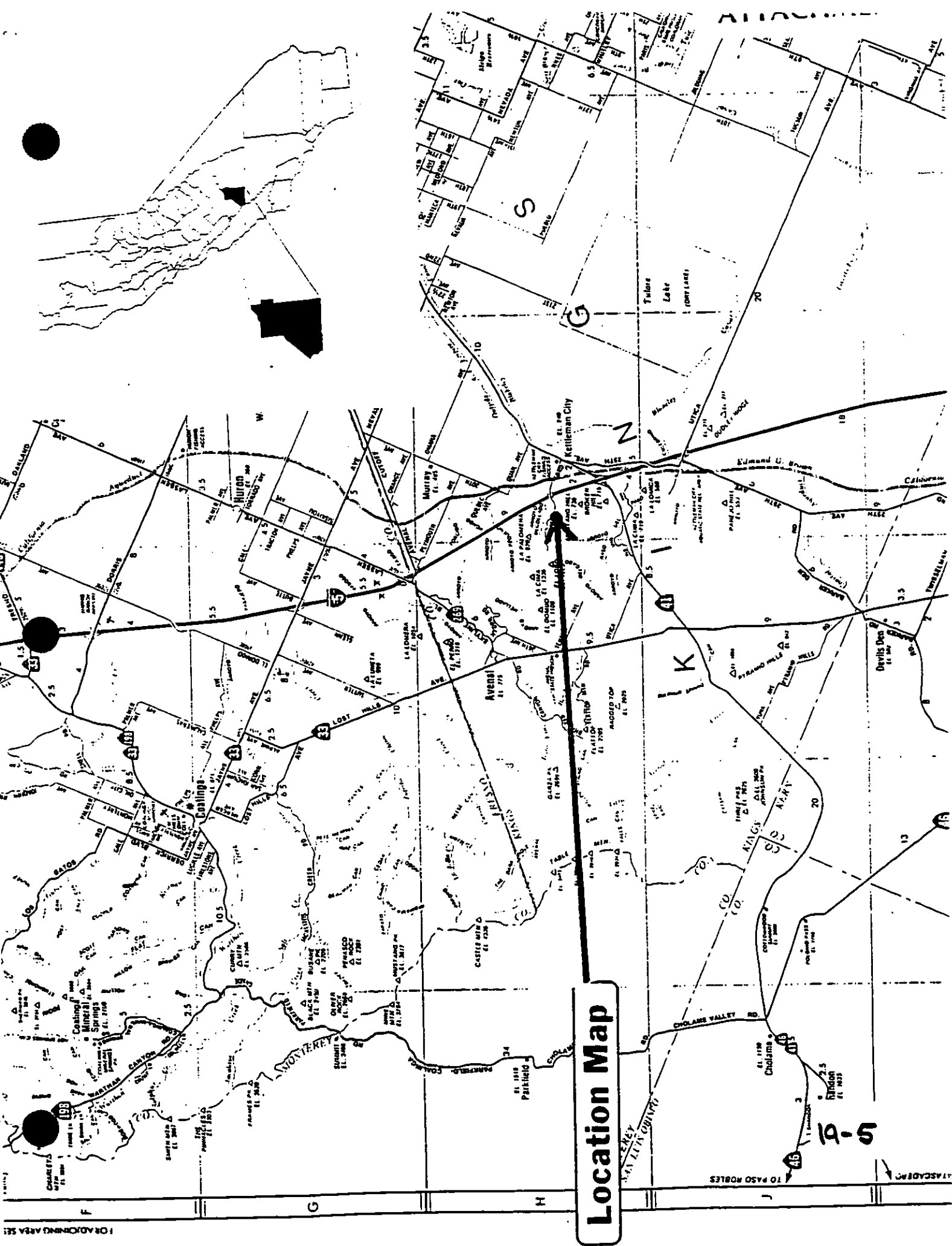
## VIII. APPROVALS

Prepared By: Beatrice C. Poroli <sup>12/2/97</sup> Phone: 255-4167

Approved By: Cody Begley/Don Dier, Jr. <sup>c.B. 10/29/97</sup> Phone: 255-2453

Approved By: Dorothy Rice <sup>D. Rice</sup> Phone: 255-2431

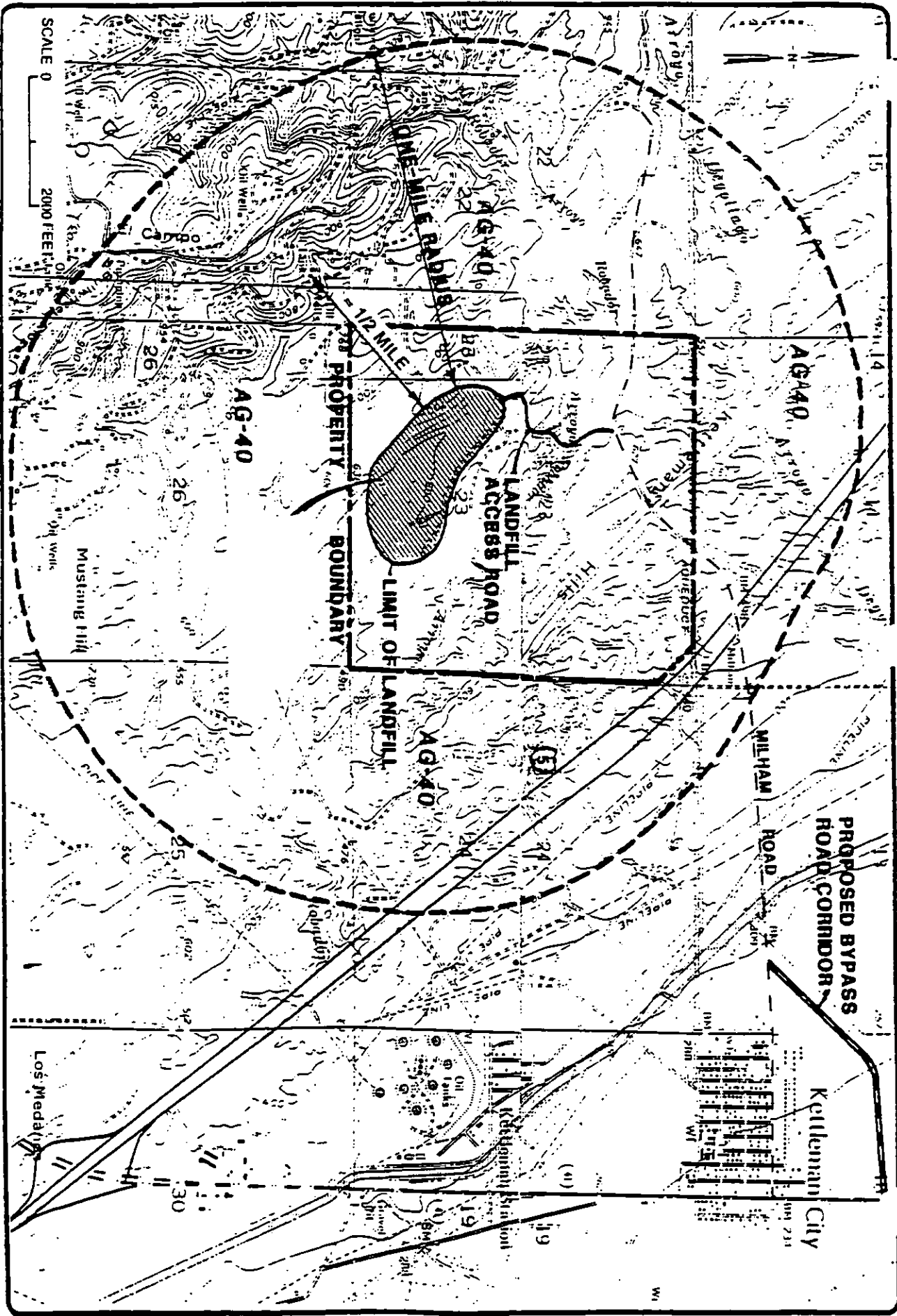
Legal Review: Kathryn Johanson Date/Time: 10/31/97



Location Map

19-5

TO PASO ROBLES





# SOLID WASTE FACILITY PERMIT

1. Facility/Permit **ATTACHMENT**  
**MUSTANG HILL LANDFILL**  
**16-AA-0013**

2. Name and Street Address of Facility:

Mustang Hill Landfill  
29703 Milham Rd.  
Kettleman City, CA. 93239

3. Name and Mailing Address of Operator:

Kings Waste & Recycling Authority  
7803 Hanford-Armona Road  
Hanford, CA. 93230-9343

4. Name and Mailing Address of Owner:

Kings Waste & Recycling Authority  
7803 Hanford-Armona Road  
Hanford, CA. 93230-9343

5. Specifications:

a. Permitted Operations:

- |  |  |
|--|--|
| <input type="checkbox"/> Composting Facility<br>(mixed wastes) | <input type="checkbox"/> Processing Facility     |
| <input type="checkbox"/> Composting Facility<br>(yard waste)   | <input type="checkbox"/> Transfer Station        |
| <input checked="" type="checkbox"/> Landfill Disposal Site     | <input type="checkbox"/> Transformation Facility |
| <input type="checkbox"/> Material Recovery Facility            | <input type="checkbox"/> Other:                  |

b. Permitted Hours of Operation: 7:00 A.M.-4:30 P.M. Monday Through Saturday; 8:00 A.M.-4:30 P.M. Sunday

The Landfill is closed on New Year's Day, Easter Day, Independence Day, Labor Day, Memorial Day, Thanksgiving Day and Christmas Day.

c. Permitted Tons per Operating Day:

.....Total: 500 Tons/Day

Non-Hazardous - General	.....500 Tons/Day
Non-Hazardous - Sludge	Kings County Only (limited by daily loading limits)
Non-Hazardous - Separated or commingled recyclables	.....0 Tons/Day
Non-Hazardous - Other (See Section 14 of Permit)	.....0 Tons/Day
Designated (See Section 14 of Permit)	.....0 Tons/Day
Hazardous (See Section 14 of Permit)	.....0 Tons/Day

d. Permitted Traffic Volume:

.....Total: 160 Vehicles/Day

Incoming waste materials	.....160 Vehicles/Day
Outgoing waste materials (for disposal)	.....0 Vehicles/Day
Outgoing materials from material recovery operations	.....0 Vehicles/Day

e. Key Design Parameters (Detailed parameters are shown on site plans bearing LEA and CIWMB validations):

	Total	Disposal	Transfer	MRF	Composting	Transformation
Permitted Area (in acres)	340 ac	74 ac	N/A a	N/A a	N/A a	N/A a
Design Capacity		10,100,000 cy	N/A tpd	N/A tpd	N/A tpd	N/A tpd
Max. Elevation (Ft. MSL)		760 MSL				
Max. Depth (Ft. BGS)		538 MSL				
Estimated Closure Date		2082				

Upon a significant change in design or operation from the described herein, this permit is subject to revocation or suspension.

The attached permit findings and conditions are integral parts of this permit and supersede the conditions of any previous issued solid waste facility permits.

6. Approval:

\_\_\_\_\_  
Approving Officer Signature  
Keith Winkler, REHS,  
Environmental Health Director  
Name/Title

7. Enforcement Agency Name and Address:

Kings County Health Department  
Division of Environmental Health Services  
330 Campus Drive  
Hanford, CA. 93230

8. Received by CIWMB:

OCT 15 1997

9. CIWMB Concurrence Date:

10. Permit Review Due Date:

11. Permit Issued Date:

19-7

# SOLID WASTE FACILITY PERMIT

Facility/Permit Number:

MUSTANG HILL LANDFILL

16-AA-0013

## 12. Legal Description of Facility (attach map with RFI):

Section 23, of Township 22S, Range 18E of the Mt. Diablo Baseline and Meridian, Kings County.

## 13. Findings:

- a. This permit is consistent with the County-Wide Integrated Solid Waste Management Plan (CIWMP) as required by Public Resources Code, Section 50001(a)(1).
- b. This permit is consistent with standards adopted by the California Integrated Waste Management Board (CIWMB). Public Resources Code, Section 44010.
- c. The design of the facility is in compliance with State Minimum Standards for solid waste handling and disposal.
- d. The following local fire protection district has determined that the facility is in conformance with applicable fire standards as required in Public Resources Code, Section 44151: Kings County Fire Department.
- e. An environmental determination (i.e. Notice of Determination) is filed with the State Clearinghouse pursuant to Public Resources Code, Section 21081.6. The following documents have been filed with the State Clearinghouse (SCH): 1) Kings County Solid Waste Transfer and Disposal Site Alternatives, SCH 90020289, dated July 1990. The Notice of Determination was filed with the County Clerk on 02/18/92. 2) Kings County Integrated Solid Waste Management Complex, SCH 92062017, dated March 1993. The Notice of Determination was filed with the County Clerk on 04/13/93.
- f. A County-Wide Integrated Waste Management Plan has been approved by the CIWMB.
- g. The facility has been determined to be compatible with surrounding land use through approval of Conditional Use Permit (CUP) 1533 by the Kings County Planning Commission, as required by Public Resources Code, Section 50000.5(b).
- h. The LEA finds that the facility has met CEQA requirements and is supported by that document.

## 14. Prohibitions:

The permittee is prohibited from accepting any hazardous waste, non-hazardous waste requiring special handling, designated waste, or liquid waste unless the acceptance of such waste is authorized by all applicable permits. Also prohibited is the burning of waste, scavenging of waste, and acceptance of infectious or untreated medical waste. The permittee can dispose of residential, commercial, and industrial non-hazardous wastes. In addition, special wastes may be accepted such as: non-friable asbestos properly packaged prior to final disposal, dead animals when approved by the LEA, and non-hazardous sludge. Sewage sludge and other high moisture content wastes must consist of at least 50% solids by weight.

## 15. The following documents also describe and/or restrict the operation of this facility:

Report of Disposal Site Information: 10/25/95, as amended 12/4/96, 2/11/97, 7/10/97, and 10/2/97  
and Use Permits and Conditional Use Permits: CUP 1533, 10/9/91  
Notices of Compliance and Preparation of Operating Record  
EIR  
SCH 90020289: 7/1990  
SCH 92062017: 3/1993  
Closure Financial Responsibility Document: 5/8/96; Operating Liability Document: 5/22/96

Preliminary Closure and Postclosure Maintenance Plan: 10/20/95

# SOLID WASTE FACILITY PERMIT

Facility/Permit Number:  
**MUSTANG HILL LANDFILL**  
**16-AA-0013**

## Self Monitoring:

a. Results of all self-monitoring programs as described in the Report of Facility Information, will be reported as follows:

Program	Reporting Frequency	Reported To
1. The quantities and types of wastes received on a daily basis	1. Monthly	1. Monthly report placed in Operating Record
2. As-built waste disposal fill sequencing plan as completed on site	2. Annually	2. Annual report placed in Operating Record
3. Log of special or unusual occurrences and the operator's response to the problem	3. Ongoing	3. Log is to be kept onsite or in an approved alternate location
4. All complaints filed against the facility and what actions were taken in response	4. Ongoing report due within one business day	4. Verbal report to LEA; written documentation in Operating Record
5. Results from the landfill gas monitoring program	5. Quarterly	5. Quarterly report placed in Operating Record
6. Results of the hazardous waste screening program	6. Weekly, conducted at the MRF	6. All reports placed in Operating Record
7. Employee training log	7. Ongoing	7. Documentation placed in Operating Record

# SOLID WASTE FACILITY PERMIT

Facility/Permit Number:

**MUSTANG HILL LANDFILL**

**16-AA-0013**

## 17. LEA Conditions:

1. This facility shall comply with all provisions mandated under the State Minimum Standards for solid waste handling and disposal.
2. The operator shall maintain a copy of this permit at the facility, so that it will be available at all times to facility staff and enforcement agency personnel.
3. The operator shall notify the LEA of any proposed change in the routine operation of the facility or of any change in facility design during the planning stages. In no case shall the operator undertake any change unless the operator first obtains approval from the LEA. Any significant change as determined by the LEA would require a revision of the Solid Waste Facilities Permit. At a minimum, the permit will be reviewed every five years.
4. This permit is subject to review by the LEA and may be suspended and/or revoked at any time for sufficient cause, after a hearing by Kings County Independent Solid Waste LEA Hearing Panel.
5. The LEA reserves the right to suspend waste receiving operations when deemed necessary due to an emergency, a potential health hazard, or the creation of a public nuisance.
6. The LEA reserves the right to request and receive from the owner/operator any information that it deems necessary to conduct an inspection or to review and/or revise the Solid Waste Facility Permit.
7. Any complaints about the facility received by its owner/operator shall be forwarded to the LEA within one working day.
8. Information concerning the design and/or the operation of this facility shall be furnished upon request by the LEA.
9. The owner/operator shall maintain at least three current after-hours emergency contact telephone numbers with the Kings County Sheriff's Central Service and with the LEA.
10. Adequate moisture shall be added to soil cover material to prevent dust and to allow for compaction.
11. All wet weather protection measures requested by the LEA must be completed annually by no later October 31, unless otherwise specified.
12. If the site will be opened to the general public, the landfill design and operation shall take into consideration features needed to accommodate the public including, but not limited to, signs indicating hours of operation and prohibited waste materials.

## **CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**

### **Resolution 97-483**

#### **CONSIDERATION OF A NEW SOLID WASTE FACILITY PERMIT FOR THE MUSTANG HILL LANDFILL, KINGS COUNTY**

**WHEREAS**, the Kings County Health Department acting as the Local Enforcement Agency (LEA), has submitted to the Board for its review and concurrence with, or objection to, a new Solid Waste Facility Permit (SWFP) for the Mustang Hill Landfill; and

**WHEREAS**, the Kings Waste & Recycling Authority proposes to construct and operate a new Class III landfill that will receive a maximum of 500 tons per day of municipal solid waste; and

**WHEREAS**, the landfill will be located on 340 acres of which 74 acres will be designated the disposal area; and

**WHEREAS**, the Kings County Planning Agency (County), acting as the Lead Agency, prepared a Environmental Impact Report (EIR), State Clearinghouse #90020289 for the proposed project; and

**WHEREAS**, the Final EIR was certified by the Kings County Board of Supervisors in February 1992; and

**WHEREAS**, the EIR indicates unavoidable significant adverse impacts to air quality and land uses. Board staff has determined that these Impact are outside the Board's authority and responsibility. The Kings County Board of Supervisors adopted a statement of overriding consideration for these impacts; and

**WHEREAS**, the LEA has certified that the application package is complete and correct, and that the CEQA document that was prepared for the project supports the changes proposed by the permit; and

**WHEREAS**, Board staff have evaluated the proposed permit for consistency with the standards adopted by the Board; and

**WHEREAS**, the Board finds that all state and local requirements for the proposed permit have been met, including consistency with Board standards, conformance with the County Solid Waste Management Plan, and compliance with the California Environmental Quality Act.

**NOW, THEREFORE, BE IT RESOLVED** that the California Integrated Waste Management Board concurs in the issuance of Solid Waste Facility Permit No. 16-AA-0013.

## **CERTIFICATION**

The undersigned Executive Director, or his designee, of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on November 19, 1997.

Dated:

Ralph E. Chandler

Executive Director

# **California Integrated Waste Management Board**

## **Board Meeting**

**November 19, 1997**

### **AGENDA ITEM 20**

#### **ITEM:**

**CONSIDERATION OF PROGRESS MADE BY THE INYO COUNTY DEPARTMENT OF ENVIRONMENTAL HEALTH SERVICES AS LOCAL ENFORCEMENT AGENCY FOR INYO COUNTY DURING ITS SIX MONTH PROBATIONARY STATUS**

#### **I. SUMMARY**

This item is presented to reflect the results of a six month monitoring of the Inyo County Local Enforcement Agency (LEA) performance under its probationary status. The probationary status was applied for six months, beginning on March 26, 1997, via Board resolution 97-86.

This Board action was implemented due to inadequate LEA enforcement action when a number of tasks, outlined in Inyo County's LEA evaluation workplan, were scheduled to be completed but remained outstanding

The item outlines compliance to date, LEA actions, and possible Board options and staff recommendations.

#### **II. PREVIOUS (BOARD OR COMMITTEE) ACTION**

Previously, in March of this year, the Board, having considered: 1) jurisdictional compliance to date; 2) the LEA's actions regarding outstanding tasks; 3) a number of statutory options available pursuant to Public Resources Code 43214, 43215, 43216.5; and 4) the LEA Evaluation Procedure, elected to provide the Inyo County LEA with an opportunity to improve its enforcement performance under a probationary status. This was in lieu of assuming LEA enforcement duties for the jurisdiction, to assure appropriate enforcement actions are taken within Inyo County for significant outstanding issues.

#### **III. OPTIONS FOR THE BOARD OR COMMITTEE**

Pursuant to PRC Sections 43214, 43215, 43216.5, and the LEA evaluation procedure, the Board has the following options should the LEA not be fulfilling its responsibilities:

- Option 1-** if the lack of LEA performance has contributed to significant non-compliance with state minimum standards at solid waste facilities, the Board shall withdraw its approval of designation (43214(c)).
- Option 2-** If the Board finds that conditions at solid waste facilities threaten public health and safety or the environment, the Board shall, within 10 days of notifying the LEA, become the enforcement agency until another local agency is designated and certified (43214(c)).

*The findings to support options 1 and 2 have not been made.*

- Option 3-** If the Board finds the LEA is not fulfilling its responsibilities, it shall notify the LEA of the particular reasons and of the Board's intention to withdraw its approval of the designation if, within no less than 30 days, the LEA does not take the corrective action specified by the Board (43215).

*The above option was in essence exercised during the evaluation process. The LEA provided an evaluation workplan as required.*

- Option 4-** The Board may take any actions it determines to be necessary to ensure LEAs fulfill their obligations (43216.5).

*The above option is appropriate for consideration.*

- Option 5-** The Board may conduct more frequent inspections and evaluations (43216.5).

*The above option has already identified the issues during the LEA evaluation. More frequent inspections would only confirm those issues already identified.*

- Option 6-** The Board may establish a schedule and probationary period for improved LEA performance (43216.5).

*The above option is appropriate for consideration.*

- Option 7-** The Board may assume partial responsibility for specified LEA duties (43216.5).

*While appropriate for consideration, the above option would essentially revise the LEA certification to a "partial status". This would result in the Board's EA Section staff assuming*



*resolution of outstanding issues for enforcement. The related costs would be billed to the jurisdiction.*

**Option 8-** The Board may implement any other measures which it determines to be necessary to improve LEA compliance (43216.5).

*The above option is appropriate for consideration.*

For options (4) and (8) the Board can:

- 1) mandate specific LEA actions for outstanding issues.
- 2) mandate specific LEA actions which if not met result in a specific Board action(s).
- 3) Fully decertify the LEA and withdraw its designation approval. This option would result in the Board's EA Section staff assuming LEA duties for Inyo County. The related costs would be billed to the jurisdiction.
- 4) Recommend withholding the Enforcement Assistance Grant disbursement until LEA evaluation workplan compliance is on track. Disbursement of the grant monies could become quarterly instead of at once, while linked to acceptable progress.
- 5) For any landfills which are on the State list of non-complying facilities or the State list of facilities having significant change, the Board may direct the LEA to revoke/suspend the permit(s) until regulatory requirements are met.

#### **IV. STAFF RECOMMENDATION**

Having considered all the options available to the Board and the analysis below, staff recommends a 6-month continuation of stipulations existing in Board resolution 97-86. The mentioned resolution is a combination of options six (6) and seven (7). It includes: 1) a revised LEA's designation approval and certification to a probationary status until October 1, 1997 (this date is revised to April 1, 1998 in the attached resolution); and 2) places the LEA on notice that failure to exercise the enforcement options identified in its enforcement orders, or any other effective measures, issued pursuant to the LEA evaluation workplan will result in CIWMB assumption of the agency's enforcement duties to assure appropriate enforcement actions are taken within Inyo County as determined by the CIWMB.

#### **V. ANALYSIS**

Prior to placement in probationary status, the LEA did not cause the County operator to honor several compliance task obligations agreed upon in the approved jurisdictional compliance proposal. While exercising enforcement options stipulated within enforcement orders is not

mandatory, there were no alternate effective measures carried out by the LEA when the operator failed to meet several tasks. All outstanding tasks were prioritized and had schedules re-established as part of the March Board Action. None of the other original jurisdictional compliance proposal task timelines were revised. They remain due as originally stipulated. For this item, staff reviewed accomplishments for the re-established tasks and the original compliance proposal. A table containing relevant details is provided with this document as Attachment -1.

### **Background:**

CIWMB inspections of Inyo County's solid waste facilities have consistently revealed instances of ongoing violations of State Minimum Standards, permit terms and conditions, and several unpermitted facilities. In 1994, a staff review of statewide enforcement orders revealed a number of Inyo County LEA enforcement orders had lapsed or were extended repeatedly without facility compliance. The CIWMB, recognizing the seriousness of Inyo's jurisdictional compliance status, contacted the LEA in June of 1994 and made it aware of issues jeopardizing its certification.

Subsequently, a "Five Year Integrated Waste Management Implementation and Compliance Schedule for The County of Inyo, California" was finalized in September of 1995. It was also brought before the Inyo County Board of Supervisors for final approval and commitment as it entailed financial elements in order to be accomplished. The five year schedule became known as the jurisdictional compliance proposal (JCP). It outlines tasks and budget allocations for a period of five years beginning with the 1995/96 fiscal year. It addresses permit and closure issues for the *Bishop-Sunland, Independence, Lone Pine, Shoshone, Tecopa, Sawmill, and Keeler solid waste facilities*. The jurisdictional compliance proposal was integrated into the LEA Evaluation Workplan and approved by Board staff for implementation on November 8, 1995.

Unfortunately, JCP compliance faltered barely one year into the plan implementation. The LEA did not effectively enforce compliance. These events compelled staff to bring an item before the Board in March of this year. It outlined the jurisdictional compliance status, possible Board options, and staff recommendations. The outcome was to re-establish compliance dates for outstanding tasks and to place the LEA on a six month probationary status.

### **Key Issues:**

As outlined in Attachment-1, significant progress has been made by the jurisdiction on State Minimum Standards violations. However, some remain to be accomplished. From a permits perspective, permit revision applications for the Bishop Sunland (14-AA-0005) and the Lone Pine (14-AA-0003) landfills were rejected by the LEA in August of this year. The RDSIs for both sites were deficient. The Operator is currently revising these documents to reflect Board staff and LEA comments. As of this writing they were to be re-submitted in October. Additionally, the RDSI's reviews revealed waste placement outside the permitted boundaries at both sites. The LEA is proceeding per a letter of advise on this matter provided by the Board's legal staff.

The county is negotiating with the landowner to amend the lease agreement for the Bishop Landfill and to obtain the required landowner signature on the amended application. There are

three outstanding violations of State Minimum Standards at Bishop which will take a considerable amount of time to correct. They are violations of tire storage standards, storage of chipping and grinding feedstock, and intermediate cover. The LEA is working with Permits Branch staff to craft permit conditions addressing these long term violations. The LEA, working with Enforcement Branch staff, has issued an enforcement order which specifically addresses the violations and prescribes timelines for incremental steps leading to full compliance with State Minimum Standards. This enforcement order will bring the facility into compliance following the procedures established by the Board to address long term violations.

Supplemental CEQA documentation is underway to address the boundary issue and contaminated soil capacity at the processing area for the Bishop site. Additionally, financial assurance mechanisms for closure and post closure maintenance were established and approved in June of this year.

There has been significant progress on many fronts since March. While all tasks have not been accomplished, many were. Several issues emerged during the permitting process which were not anticipated. Thus more work is required to resolve them.

## VI. ATTACHMENTS

Attachment -1 Inyo County Jurisdictional Compliance Status

Attachment -2 CIWMB Resolution 97-507

## VII. APPROVALS

Prepared By:	<u>Gabe Aboushanab</u> <i>(Signature)</i>	Phone:	<u>255-3854</u>
Reviewed By:	<u>Mary Coyle</u> <i>MC</i>	Phone:	<u>255-3849</u>
Reviewed By:	<u>H. Thomas Unsell</u> <i>HTU</i>	Phone:	<u>255-2298</u>
Reviewed By:	<u>Dorothy Rice</u> <i>D. Rice</i>	Phone:	<u>255-2285</u>
Legal Review:	<u>Kathryn J. Johnson</u> <i>(Signature)</i>	Date/Time:	<u>10/31/97</u>

Attachment -1

INYO COUNTY JURISDICTIONAL COMPLIANCE STATUS

Item or Task	JCP Compliance Date	Probation Compliance Date	Status
Bishop: Complete SWFP Application	July 31, 1996	May 6, 1997	App. Received and rejected as incomplete on 8/12/97. Re-submit 10/30/97 (in LEA N&O 97-01)
Bishop: Proposed SWFP	October 15, 1996	May 30, 1997	Not complete because of above
Lone Pine: Site Security	July 31, 1996	May 6, 1997	Complete
Lone Pine: Site Attendant	July 31, 1996	June 1, 1997	Complete
Lone Pine: Daily Cover	June 28, 1996	June 1, 1997	Non-compliance
Lone Pine: Litter Control	August 1, 1996	June 1, 1997	Non-compliance
Lone Pine: CEQA Document	July 1, 1996	July 3, 1997	Complete
Lone Pine: Complete SWFP Application	August 15, 1996	July 20, 1997	Rejected as incomplete 8/12/97. Re-submit 10/30/97
Lone Pine: Proposed SWFP	October 15, 1996	July 30, 1997	Not complete because of above
Independence: Site Security	June 1, 1997	N/A	Complete
Independence: Daily Cover	June 1, 1997	N/A	Complete
Independence: Site Attendant	June 1, 1997	N/A	Complete
Independence: Litter Control	June 1, 1997	N/A	Complete
Independence: CEQA Document	April 1, 1997	July 3, 1997	Complete
Independence: Complete SWFP Application	August 1, 1997	N/A	Non-compliance, Submit 10/30/97
Financial Assurance	January 31, 1996	N/A	Closure/postclosure maintenance approved June, 1997

Board Meeting

November 19, 1997

**CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD****Resolution 97-507****CONSIDERATION OF PROGRESS MADE BY THE INYO COUNTY DEPARTMENT OF ENVIRONMENTAL HEALTH SERVICES AS LOCAL ENFORCEMENT AGENCY FOR INYO COUNTY DURING ITS SIX MONTH PROBATIONARY STATUS**

Resolution continuing a revised designation approval and certification of the Inyo County Division of Environmental health as the Local Enforcement Agency for Inyo County to a probationary status, and conditionally approving CIWMB assumption of LEA enforcement responsibilities.

**WHEREAS**, LEA evaluation results found the Inyo County Division of Environmental Health Services not to be fulfilling all its responsibilities and required the development, approval, and implementation of an evaluation workplan addressing the LEA's program implementation issues; and

**WHEREAS**, consideration of progress made by the Inyo County Division of Environmental Health Services during its six month probationary status reveal incomplete fulfillment of the stipulations committed to by the Inyo County Division of Environmental Health Services;

**NOW, THEREFORE, BE IT RESOLVED**, based on the foregoing considerations, the California Integrated Waste Management Board (CIWMB), pursuant to Public Resources Code Division 30 Part 4, Chapter 2, Article 1, Section 43216.5 hereby continues its revised designation approval and certification of the Inyo County Division of Environmental Health Services as the Local Enforcement Agency for Inyo County to a probationary status until April 1, 1998, to include; 1) more frequent inspections; 2) continued evaluation workplan monitoring; and 3) the CIWMB places the Inyo County Division of Environmental Health Services as the Local Enforcement Agency for Inyo County on notice that failure to exercise the enforcement options identified in its enforcement orders, or failure to take other effective enforcement measures, pursuant to timelines identified in the LEA evaluation workplan will result in CIWMB assumption of the agency's enforcement duties to assure appropriate enforcement actions are taken within Inyo County for significant outstanding issues as determined by the CIWMB.

**CERTIFICATION**

The undersigned Executive Director, or his designee, of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on November 19, 1997

Dated:

20-7

Ralph E. Chandler

Executive Director

- Dennis Ferris ->

# California Integrated Waste Management Board

## Board Meeting

November 19, 1997

### AGENDA ITEM 21

#### ITEM:

CONSIDERATION OF A REVISED SOLID WASTE FACILITY PERMIT FOR THE  
ZANKER ROAD CLASS III LANDFILL, SANTA CLARA COUNTY

#### I. SUMMARY

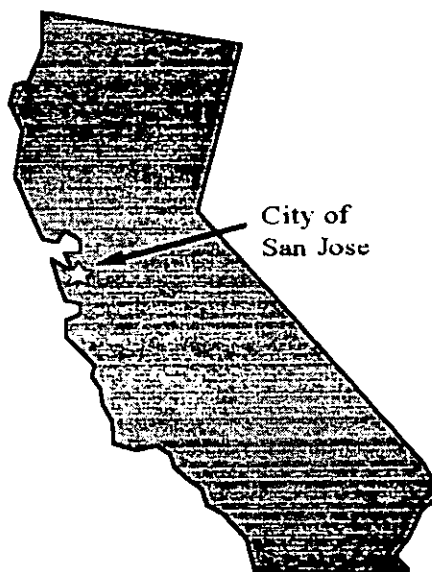
##### Facility Facts:

Name:	Zanker Road Class III Landfill Facility No. 43-AN-0007
Facility Type:	Class III Landfill, Green Waste Compost Facility. Soil Bioremediation, MRF, Waste Tire Storage
Location:	Near the intersection of Los Esteros Road and Zanker Road in the City of San Jose
Area:	70 acres total, 46 acre disposal area
Setting:	Surrounding land is zoned industrial and open space; located on edge of bay mudflats and marshland
Status:	Active; Current permit issued on April 2, 1985
Tonnage:	Current: 350 TPD average; Proposed: 1,300 TPD total maximum; 300 TPD disposal, 200 TPD composted
Waste Types:	Inert demolition, construction, and industrial waste materials consisting of less than ten percent wood by volume
Capacity Remaining:	Approximately 1 million cubic yards
Closure Date:	Estimated 2003
Owner/Operator:	Zanker Road Resource Management Ltd. Contact: Scott Beal, Operations Manager

LEA: City of San Jose Department of Planning, Building, and Code Enforcement

Contact: Dennis Ferrier, Supervising Environmental Health Specialist

Site Location and Description The landfill is located near the intersection of Los Esteros Road and Zanker Road in the City of San Jose. Surrounding land-use includes: the San Jose/Santa Clara Water Pollution Control Plant and sludge drying ponds to the east; salt evaporator ponds to the north and northwest; Owens-Corning Fiberglass waste disposal site to the west; the inactive Nine-Par disposal site now designated as wetlands; the community of Alviso approximately one mile to the west.



Proposed Project The following changes are proposed or have occurred since the Solid Waste Facility Permit (SWFP) was issued on April 2, 1985:

- 1) The permitted fill area has increased from 40 to 46 acres. The expansion area is currently used for composting operations.
- 2) The name of the owner and operator has changed from Zanker Road Resource Recovery, Inc. to Zanker Road Resource Management, Ltd.
- 3) The estimated closure date has changed from 1992 to 2003.
- 4) The permitted incoming tonnage will change from an average of 350 TPD to 1,300 TPD total maximum. The proposed permit allows a maximum of 300 tons of material to be disposed per day and 200 tons of green waste to be composted per day.
- 5) The proposed permit will more specifically condition the storage and processing of recyclable materials and resource recovery activities at the landfill, such as: concrete and asphalt grinding; wood waste chipping and grinding; green material composting; soil remediation; and cardboard, wallboard, and metals recycling. The facility is expected to recover between 50% and 90% of the total material received.
- 6) A new waste tire storage area will be designated near the center of the landfill with a capacity of 500 tires.
- 7) The hours of operation will change.

## II. PREVIOUS COMMITTEE ACTION

As of the date that this item was prepared, the Permitting and Enforcement committee had not yet made a recommendation or decision on this item.

### III. OPTIONS FOR THE BOARD

Because a revised Solid Waste Facility Permit is proposed, the Board must either concur or object to the proposed permit as submitted by the LEA.

### IV. STAFF RECOMMENDATION

Because a revised Solid Waste Facility Permit is proposed, the Board must either concur or object to the proposed permit as submitted by the LEA. If board staff can verify that that the proposed permit is in conformance with the CIWMP, and that the certificate of insurance has been updated, staff will recommend that the Board adopt Resolution No. 97-500 concurring in the issuance of Solid Waste Facility Permit No. 43-AN-0007.

### V. ANALYSIS

Requirements for Concurrence with the Solid Waste Facilities Permit Pursuant to Public Resources Code, Section 44009, the Board has 60 calendar days to concur in or object to the issuance of a Solid Waste Facility Permit. Since the proposed permit was received on October 20, 1997, the last day the Board can act is December 19, 1997.

The following summarizes the status of the required parts of the proposed permit package:

- 1) Application Package: The application for permit revision was submitted to the LEA in September, 1997 but the applicant waived the LEA's 30 day time limit. The proposed permit package contains the LEA's completeness determination.
- 2) LEA/EA Certification: A certification from the LEA/EA that the permit package is complete and correct, including a statement that the RFI meets the requirements of PRC section 21600, is included in the proposed permit package.
- 3) Regional Water Quality Control Board Information: The LEA is required to submit any documentation, if applicable, of the applicant's compliance with any RWQCB enforcement order or the status of the applicants WDRs, as described in PRC section 44009. This information was not included in the permit package.
- 4) Public Comments: The LEA is required to submit any written public comments received on a pending application. No comments were received.
- 5) Permit Review Report: The last permit review report was prepared on April 22, 1997 and required the operator to submit an application for permit revision to reflect significant changes in design and operation.
- 6) LEA/EA CEQA Finding: The LEA has made the required finding that the proposed permit is consistent with and is supported by existing CEQA analysis.

The following table summarizes Board staff's review pursuant to the California Code of Regulations, Title 27, Section 21650:



<b>43-AN-0007</b> <b>Summary of Board Findings</b>	Accept- able	Unaccept- able	To Be Deter- mined	Not Applic- able	See Details in Agenda Item
CIWMP Conformance (PRC 50001)			X		
CoSWMP Conformance (PRC 50000)				X	
General Plan Conformance (PRC 50000.5)				X	
Conformance With State Minimum Standards	X				1
California Environmental Quality Act	X				2
Complete Closure/Post-Closure Maintenance Plan	X				
Funding for Closure/Post-Closure Maintenance	X				3
Operating Liability			X		
RFI Completeness	X				

In addition, Board staff offer the following analysis:

1. Conformance with State Minimum Standards LEA and Board staff conducted a joint inspection of the landfill on March 25, 1997 which did not document any violations of State Minimum Standards for Solid Waste Handling and Disposal. Monthly inspection reports submitted by the LEA also document compliance with State Minimum Standards.
2. California Environmental Quality Act (CEQA) State law requires the preparation and certification of an environmental document whenever a project requires discretionary approval by a public agency.

Nine-Par Company operated the site from 1938 to 1977 when operations ceased. In 1983 an Environmental Impact Report (EIR) was prepared and certified for the Planned Development Rezoning and reactivation of the site (SCH# 82122805) by the current operator. Operations resumed in 1985

In 1987 the City of San Jose, Department of City Planning, acting as Lead Agency, prepared an addendum to the Final EIR because the proposed 30 acre expansion area had been reduced to 6 acres. The remaining 24 acres was enhanced into a wetlands habitat.

In 1991 the Lead Agency prepared a Negative Declaration (ND), SCH# 91023024, for the operation of an on-site composting facility. In 1991 the Lead Agency also prepared a ND for wood and green waste recycling, storage of non-hazardous soil, acceptance of asbestos and Calgon waste powders, concrete and glass cutlet recycling, extended operating hours, increased tonnage, and use of "performance standards". Board staff provided comments on January 24, March 8, May 23, and June 25, 1991. The NDs were approved by the Lead Agency on March 25 and June 28, 1991. A Notice of Determination was filed with the County Clerk on April 1 and August 15, 1991.

The Lead Agency reviewed the above environmental documentation in light of the proposed permit and forwarded their determination to the LEA and Board. Addendums 2 and 3 of the RDSI reflect the Lead Agency's determination. In conclusion, the LEA has found that the proposed permit is consistent with and is supported by existing CEQA analysis.

California Code of Regulations (CCR), Title 14 Section 15096 (CEQA Guidelines) requires the Board, as a responsible agency, to determine whether or not the evaluation of potential environmental impacts assessed in the environmental document is adequate for the Board's use in the permitting process. After reviewing the environmental documentation for the project, Board staff have determined that CEQA has been complied with.

3. Operating Liability Board staff is waiting for a copy of the most recently updated certificate of insurance.

## VI. ATTACHMENTS

1. Vicinity Map
2. Site Map
3. Proposed Permit No. 43-AN-0007

## VII. APPROVALS

Prepared By: Jon Whitehill

*Jon Whitehill*

Phone: 255-3881

Reviewed By: *[Signature]* Don Dier Jr. Mary Coyle *mc*

Phone: 255-3849

Reviewed By: Dorothy Rice

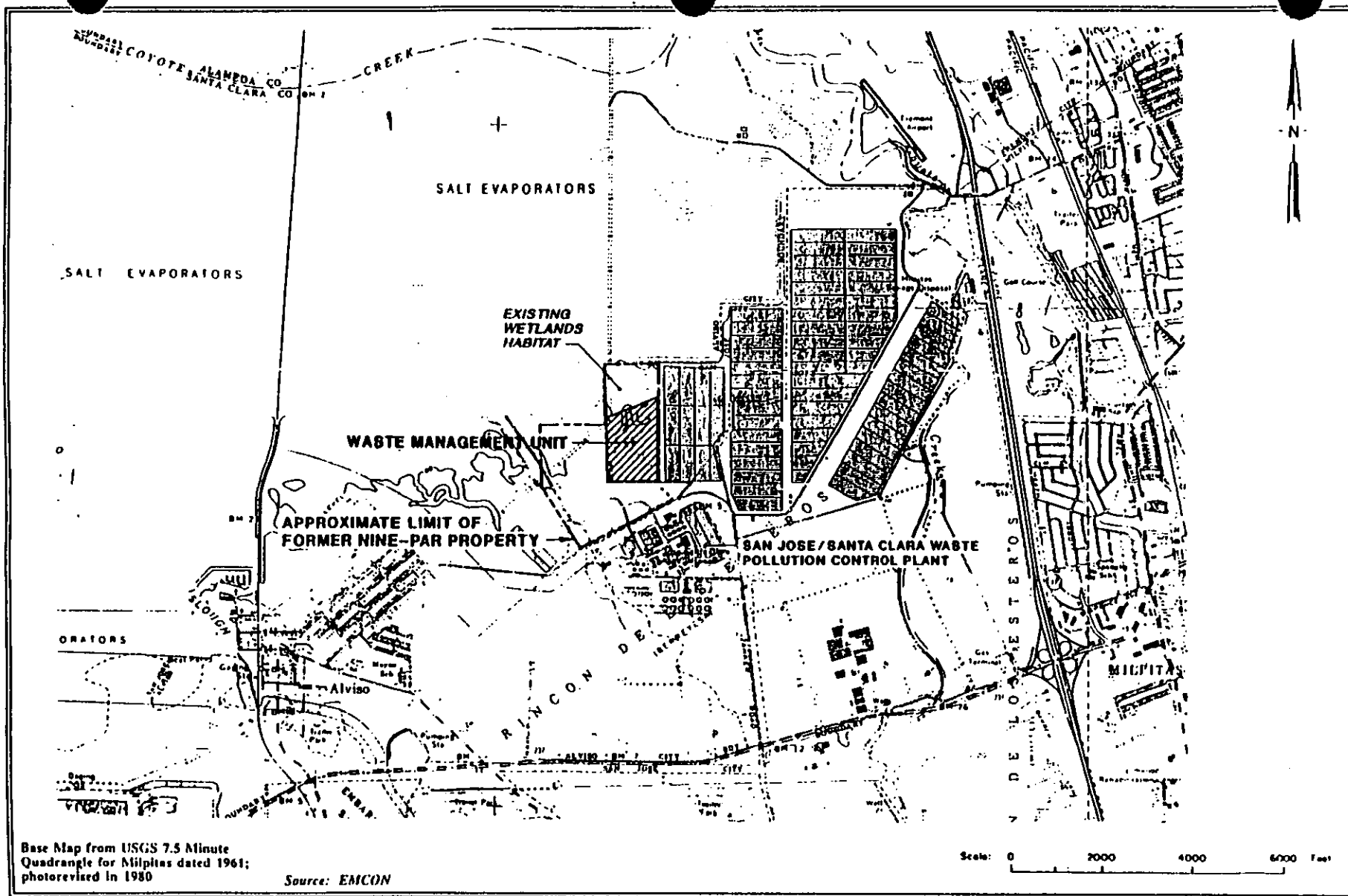
*D. Rice*

Phone: 255-2431

Legal Review: Kathryn Tobias

*Kathryn Tobias*

Date/Time: 11/4/97



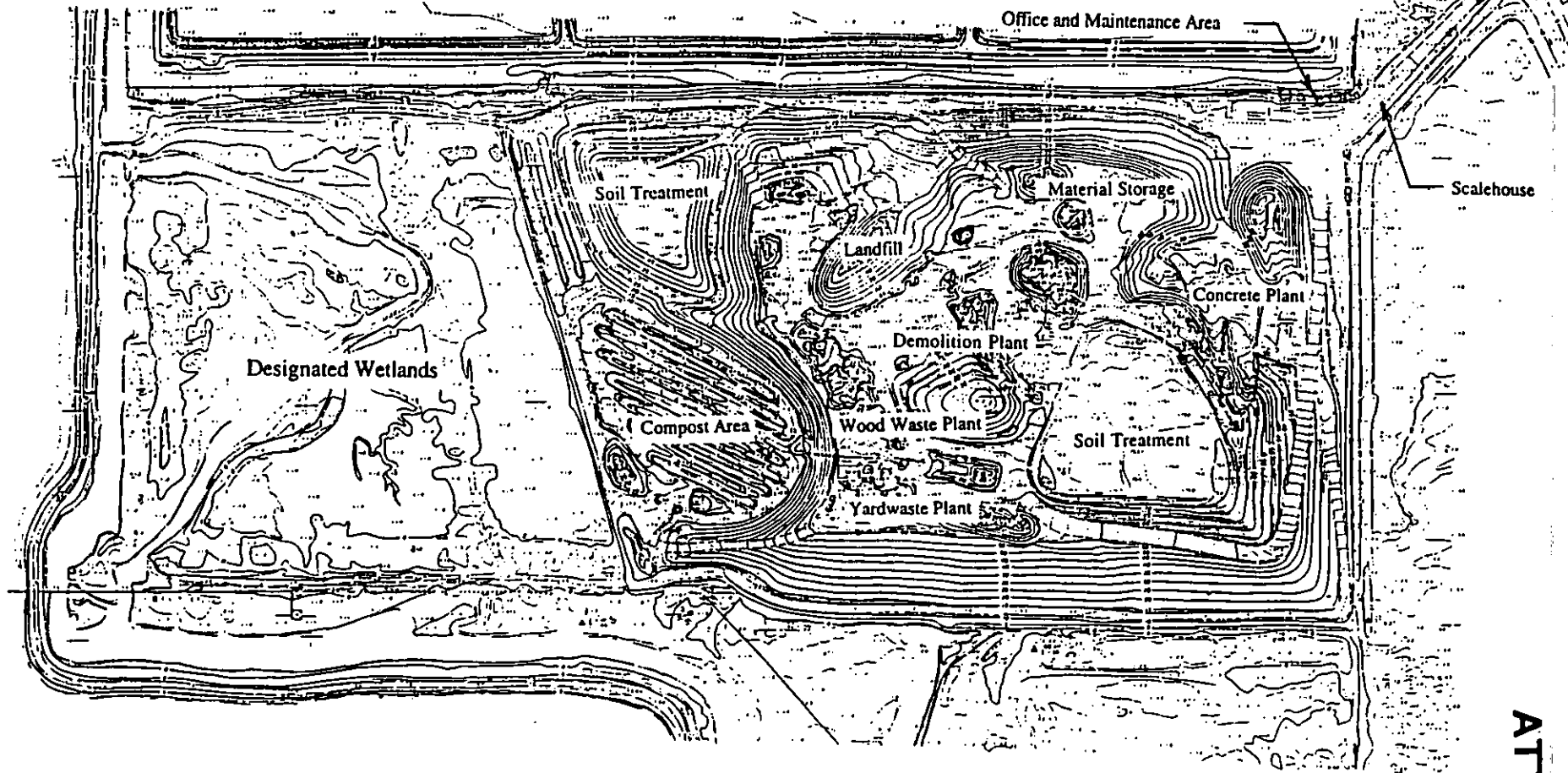
Grace  
Environmental  
Services

Zanker Road Class III Landfill  
Zanker Road Resource Management, Ltd.  
San Jose, California

Figure 1: Vicinity Map

9-13  
2-16

21-7



ATTACHMENT 2

Prepared by Aero-Geodetic Corporation, July 14, 1994

Environmental  
Services

Zanker Road Class III Landfill  
Zanker Road Resource Management, Ltd.  
San Jose, California

# SOLID WASTE FACILITY PERMIT - Pg. 1 of 5

# ATTACHMENT 3

<b>1. Name and Street Address of Facility:</b> <b>Zanker Road Class III Landfill*</b> <b>705 Los Esteros Road</b> <b>San Jose, CA 95134</b>	<b>3. Name and Mailing Address of Operator:</b> <b>Zanker Road Resource Management Ltd.</b> <b>705 Los Esteros Road</b> <b>San Jose, CA 95134</b>	<b>4. Name and Mailing Address of Owner:</b> <b>Zanker Road Resource Management Ltd.</b> <b>625 Charles Street</b> <b>San Jose CA 95112</b>
--	--	--

**\*NOTE:** The Facility's original 1983 EIR document refers to the site as the Nine-Par Sanitary Landfill, Nine-Par is an older closed landfill which includes the site.

## 5. Specifications:

**a. Permitted Operations:**

<input type="checkbox"/> Composting Facility (mixed wastes)	<input type="checkbox"/> Processing Facility
<input checked="" type="checkbox"/> Composting Facility (yard waste)	<input type="checkbox"/> Transfer Station
<input checked="" type="checkbox"/> Landfill Disposal Site	<input type="checkbox"/> Transformation Facility
<input checked="" type="checkbox"/> Material Recovery Facility	<input checked="" type="checkbox"/> Other: <u>Soils Bioremediation Site and Waste Tire Storage</u>

**b. Permitted Hours of Operation :**

Commercial and Industrial Disposal Operations .....	6:00 AM to 6:00 PM, Monday-Friday; and 8:00 AM- 4:00 PM Saturday-Sunday
Public Disposal Operations .....	6:00 AM to 6:00 PM, Monday-Friday; and 8:00 AM- 4:00 PM Saturday-Sunday
Resource Recovery Operations .....	6:00 AM to Midnight (if needed), seven days a week
Equipment Maintenance.....	12:00 Midnight to 6:00 AM (if needed), seven days a week

**c. Permitted Peak Tons per Operating Day (In the gate) ...(\* Maximum Peak Daily Tonnage (See Conditions #C4)...**

Permitted Peak Tons Landfilled (buried) per Operating Day.....	Total: <u>1300</u> Tons/Day
Non-Hazardous - Inerts .....	<u>1300</u> Tons/Day
Non-Hazardous - Sludge .....	<u>N/A</u> Tons/Day
Non-Hazardous - Separated or commingled recyclables .....	<u>Included in 'c' above</u>
Non-Hazardous - Other (See Section 14, of this Permit, 'PROHIBITIONS') .....	<u>N/A</u> Tons/Day
Designated .....	<u>N/A</u> Tons/Day
Hazardous .....	<u>N/A</u> Tons/Day
Permitted Peak Tons to Composting per day .....	Total: <u>200</u> Tons/Day

**d. Permitted Traffic Volume:**

Incoming waste materials	Total: <u>Equivalent of 1300* Tons per Day</u> Vehicles/Day
Outgoing waste materials (for disposal)	<u>N/A</u> Vehicles/Day
Outgoing materials from material recovery operations	<u>N/A</u> Vehicles/Day

## e. Key Design Parameters (Detailed parameters are shown on site plans bearing LEA and CIWMB validations):

	Total	Disposal	Transfer	MRF	Composting**	Transformation
Maximum Throughput	1300 Tons Per Day	300 Tons Per Day	N/A	Limited by Total	200 Tons per day	N/A
Permitted Area (in acres)	70 Acres	46 Acres	N/A	46 Acres	6 Acres	N/A
Design Capacity remaining		1,021 Million Cubic Yards cy	N/A	N/A	N/A	N/A
Max. Elevation (Ft. M.S.L.)		80 ft				
Max. Depth (Ft. below M.S.L.)		0 ft				
Estimated Closure Date		2003 Estimate Only				

(\*\* Composting Operations are currently concentrated in the 6-acre expansion area, in the former soils bioremediation stockpile site, and on the top deck level).  
The permit is granted to the operator named above. Upon a change of owner or operator, the LEA shall be notified 45 days in advance so that the LEA may make a determination for an amendment, modification or revision to the permit. The attached permit findings and conditions are integral parts of this permit and supersede the conditions of any previously issued solid waste facility permits.

<b>6. Approval:</b>  Approving Officer Signature <u>James R. Derryberry, Director, Planning, Building and Code Enforcement</u> Name/Title	<b>7. Enforcement Agency Name and Address:</b> City of San Jose Department of Planning, Building and Code Enforcement 777 N. First St. Suite 700 San Jose, CA 95112
<b>8. Received by CIWMB:</b> <u>501 2 3 1997</u>	<b>9. CIWMB Concurrence Date:</b> <u>21-8</u>
<b>10. Permit Review Due Date:</b>	<b>11. Permit Issued Date:</b>

# SOLID WASTE FACILITY PERMIT - Pg. 2 of 5

Facility/Permit Number:

SWIS No. 43-AN-0007

12. Legal Description of Facility (refer to attached Site Vicinity and Site Location Maps, as shown in the RDSI Figures 1.2,3): Located at the Eastern terminus of Los Esteros Road where it becomes Zanker Rd., in Section 2 of Township 6 S, Range 1 W, Mount Diablo Baseline and Meridian (APN 015-38-004). The site latitude and Longitude are approximately 37 degrees 21 minutes 23 seconds North and 121 degrees 56 minutes 52 seconds West. City of San Jose, Santa Clara County.

## 13. Findings:

- a. The County-wide Integrated Waste Management Plan (dated November, 1995) was approved by the CIWMB on July, 1996 (see Attachment 'B').
- b. [PRC §50001, Conformance Finding] This facility is identified in, and is consistent with the County-wide Integrated Solid Waste Management Plan (CIWMP) dated November, 1995, adopted by the CIWMB on July, 1996. (See attachment B;)
- c. This permit is consistent with standards adopted by the California Integrated Waste Management Board (CIWMB). Public Resources Code, Section 44010.
- d. The design and operations of the facility are in compliance with the State Minimum Standards for Solid Waste Handling and Disposal as determined by the LEA. (The City of San Jose Local Enforcement Agency) during the inspections of - April 29, 1997. A Violation was noted for PRC 44004 (Significant Change), and 44014 (b) (Terms & Conditions) due to the fact that the permit is overdue for a revision. Adoption of this SWFP will correct these violations.
- e. The following local fire protection district has determined that the facility is in conformance with applicable fire standards as required in Public Resources Code, Section 44151. ( See Attachment C: "Fire District Compliance") San Jose Fire Dept. Approval date February 3, 1997.
- f. Environmental determinations (i.e. Notice of Determination) were filed with the State Clearinghouse (SCH # 91023024) to identify current and proposed changes, pursuant to Public Resources Code, Section 21081.6. The environmental documents were filed by the City of San Jose Planning Department and adopted on March 25, 1991 and on June 28, 1991. ( See attachment D: "Environmental Determination")

## 14. Prohibitions:

NOTE: Acceptance of prohibited wastes will require this facility to comply with requirements set forth in California Code of Regulations, Title 14, Article 4.5. Implementation of Federal Municipal Solid Waste Landfill Minimum Standards.

The permittee is prohibited from accepting any putrescible garbage, household wastes (-HOUSEHOLD WASTES- CCR Title 27, §20164, or putrescible municipal solid waste). This prohibition includes garbage, food and restaurant waste, putrescible agricultural wastes, dead animals, or any organic waste capable of putrefaction. This section is not intended to prohibit the acceptance of non-putrescible construction and demolition materials from household sources, as described in CCR Title 27, §20164.

The permittee is also prohibited from accepting any liquid waste sludge, designated wastes, or hazardous waste unless such waste is specifically listed below, and unless the acceptance of such waste is authorized by all applicable agencies. Wastes requiring special handling, other than those defined in the RDSI, shall require LEA approval for authorization of special handling methods. All non-solid wastes containing less than 50 percent solids must be handled and disposed of as described in a waste management plan approved by the Regional Water Quality Control Board (RWQCB) and the Local Enforcement Agency (LEA). Grinding of hazardous materials, including asbestos containing materials, is prohibited.

### EXCEPTIONS :

A. Triple Rinsed containers in accordance with Title 22, CCR, Section 66261.7

B. Operator may landfill friable asbestos only in accordance with CCR Title 14 Section 17897. Prior to disposal, Operator must document full compliance with this section in the Operating Record.

C. Contaminated Soils and other Industrial Wastes are permitted with prior approval by the LEA and the RWQCB and in compliance with all other regulatory requirements.

The permittee is additionally conditioned by the following items:

A. Untreated medical waste, as defined in Chapter 6.1, Division 20 of the Health and Safety Code, is prohibited.

## 15. The following documents also describe and/or restrict the operation of this facility (insert document date in space):

	DATE
[x] Report of Disposal Site Information <u>12-11-96, revised 10-13-97</u>	
[x] Land Use Permits and Conditional Use Permits: PD 90-11-90 PD 91-02-008	3-25-91 and <u>6-28-91</u>
[x] Air Pollution Permits and Variances: Permit #3312 to operate Plant 3312	<u>6-1-96</u>
[x] EIR SCH # 82122805	<u>9-14-83</u>
[x] Preliminary Closure/Post Closure Plan	<u>November 1995</u>
[x] Closure Financial Responsibility Documents- RDSI Appendix Y	<u>12-11-96</u>
[x] Updated Waste Discharge Requirements Order No. 87-032 and 93-113	<u>4-15-87 and 9-15-93</u>

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# SOLID WASTE FACILITY PERMIT - Pg. 3 of 5

Facility/Permit Number: \_\_\_\_\_

SWIS No. 43-AN-0007

## 16. Self Monitoring:

Results of the following self-monitoring programs will be reported as follows:

(The monitoring documentation, where applicable, will be delinquent 30 days after the end of the reporting period)

Program	Reporting Frequency	Agency Reported To
b. Operator shall notify the LEA upon receipt of a Notice of Violation from any regulatory agency. In addition, the operator shall notify the LEA within 72 hours, or on the next business day, following written receipt of a Notice of Violation or upon receipt of written notification of complaints regarding the facility which have been received by other agencies.	As noted	LEA
c. Operator shall record all environmental and regulatory complaints regarding this facility and the operator's actions taken to resolve these complaints shall be entered in the log of special occurrences. Operator shall notify the LEA within one day if they receive any complaints of a serious or egregious nature.	As noted	LEA
d. Reports of all special or unusual occurrences and the operator's actions taken to correct these problems shall be entered into the 'Log of Special Occurrences'.	As noted	LEA
e. The operator shall maintain a log to record the quantities and types of hazardous wastes, untreated medical wastes, or otherwise prohibited wastes found in the waste stream, the date they were discovered and the disposition of those materials. This log shall be part of the 'operating record', and shall be made available to LEA staff. The log record shall indicate those incidents which occurred as a result of the random load checking program.	Recorded 'Operating Record'	LEA
f. The operator shall make -brief- entries into their 'Log of Special Occurrences' calendar, recording incidents of unlawful disposal of prohibited materials and the operator's actions taken. The record entry shall be made on the date of occurrence. Detailed incident reports, as appropriate, should be entered as part of the log entered 'e' above.	Recorded on date of occurrence	LEA
g. The operator shall maintain and make accessible on-site records within their 'operating record' for the LEA to document the following: -daily gross tonnage through the gate; -daily gross tonnage buried; -daily gross tonnage to the Compost operation;  Daily gross tonnages along with the monthly totals will be made available to the LEA. The operator shall maintain these records on the facility's premises for a minimum of one year and make them available to any Enforcement Agency's personnel on request.	As noted	LEA
h. The operator shall report the following information to the LEA in writing, within 30 days of the end of the month being reported: -monthly gross tonnage through the gate; -monthly gross landfilled tonnage; -monthly gross tonnage to the Compost operation;	As Noted	LEA
i. The operator shall report future results of the leachate monitoring program. The operator shall monitor leachate generation as required by future and current WDRs. In the future, the operator will collect, treat and effectively dispose of the leachate in a manner approved by the CRWQCB, with the results, reports and other documentation being copied to the LEA.	Monthly as Noted	LEA
j. The Operator shall provide one annual topographical map showing all current fill locations. Maps shall be on white bond with a scale no smaller than one inch = 200 feet or as otherwise approved by the LEA.	As required by WDRs	LEA
k. The Operator shall provide Black and White Stereo Pair copies of Aerial Photos to the LEA.	<u>Annually</u> As approved by the LEA	LEA
	<u>Annually</u> As approved by the LEA	LEA

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# SOLID WASTE FACILITY PERMIT - Pg. 4 of 5

Facility/Permit Number:

SWIS NO. 43-AN-0007

## 17. LEA Conditions:

### A. Requirements :

1. This facility shall comply with all the State Standards for Solid Waste Handling and Disposal.
2. This facility shall comply with all federal, state, and local requirements and enactments including all mitigation measures given in any certified environmental document filed pursuant to the Public Resources Code, Section 21031.6.
3. The operator shall comply with all notices and orders issued by any responsible agency designated by the Lead Agency to monitor the Mitigation Measures contained in any of the documents referenced within this permit pursuant to the Public Resources Code section 21081.6.
4. Additional information concerning the Design and Operation of this facility shall be furnished on request to the Enforcement Agency personnel.
5. The operator shall maintain a copy of this permit at the facility so as to be available at all times to facility personnel and to Enforcement Agency Personnel.
6. The operator shall install and maintain signs at the entrance indicating that no hazardous waste or liquid wastes are accepted.
7. The operator shall comply with the Waste Load Checking Program as described in Appendix E of the Report of Disposal Site Information document dated 12-11-96 (as amended on October 15, 1997).
8. The operator shall comply with all conditions and requirements contained in the WDRs.

### B. Provisions :

1. Operational controls shall be established to preclude the receipt and disposal of hazardous or other types of prohibited wastes. The Operator shall comply with the approved Waste Load Checking Program as described in the RDSI. Any changes in this program must be approved by the LEA in writing prior to implementation. The following SWFP provisions supplement the Load Checking conditions:
  - A. The minimum number of random waste loads to be inspected monthly at this landfill is five (5).
  - B. The number of random incoming loads to be inspected each month is determined by the LEA and shall be related to the permitted daily volume of Refuse received by the facility. The LEA reserves the right to increase the required number of incoming waste load inspections for sufficient cause.
  - C. Incidents of unlawful disposal of prohibited materials shall be reported to the LEA as described in the monitoring section of this permit. In Addition, all other agencies as required by regulation shall also be notified of any such incidents in accordance with established time frames.
2. This facility must comply with all monitoring requirements established in the Regional Water Quality Control Board's Waste Discharge Requirements.
3. This permit is subject to review by the LEA and may be suspended, revoked or modified at any time by the LEA for sufficient cause.
4. The LEA reserves the right to suspend or modify waste receiving operations when deemed necessary due to an emergency, a potential health hazard or the creation of a public nuisance.
5. The operator shall maintain a log of special occurrences as required by CCR Title 14 and 27 and shall make available to the LEA any BAAQMD or OSHA related reportable documentation. This log shall include, but is not necessarily limited to:

Surface and underground fires, explosions, earthquakes, slope failures, discharge of hazardous liquids or gases to the ground, water or air, or significant injuries requiring hospital care. Entries made in this log and deemed significant by the operator must be reported to the LEA within 72 hours. Each of these log entries shall be accompanied by a summary of any actions taken by the operator to mitigate the occurrence.
6. The operator shall maintain, at the facility, accurate daily records of the weight and/or volume of refuse received. These records shall be available To both LEA and CIWMB personnel and shall be maintained for a period of at least one year. Facility Gate Attendants shall be certified by the responsible Government Agency, as Certified Weighmasters, or shall maintain equivalent certification as approved in writing by the LEA.

### C. Specifications:

1. The operator shall notify the LEA in writing, of any proposed significant changes in the facility design or operations during the planning stages. In no case shall the operator undertake any changes unless the operator first submits to the LEA a notice of said changes at least 120 days before said changes are undertaken. Any significant change as determined by the LEA would require a revision of this permit.
  2. Upon a change in the owner or operator, the LEA shall be notified 45 days prior to the change so that the LEA may make a determination to either modify or revise the permit.
  3. This permit supersedes all previous SWFP's for this site.
- 21-11 This facility is allowed a peak or maximum daily tonnage of 1300 TPD in gate tonnage. Most of this material (50-90%) will be recycled. Landfilled or buried tonnage is limited to 300 TPD. Composting is limited to 200 TPD.



## 17. LEA Conditions (continued)

## C. Specifications (continued)

5. Because this site is an inert disposal site only, the facility is prohibited from taking putrescible garbage or putrescible household wastes. As a result of this prohibition, in effect since the site's opening, Subtitle D cover requirements will not apply. Instead, the new permit will require the site to follow the Title 14 CCR cover requirements as specified in Section 17628. In this section, sites receiving less than 50 TPD for disposal may cover every 48 hours. The operator may be directed to cover more frequently, if required by the LEA, in the event of a public health issue or a public nuisance.
6. Any type of ADC approved for this site may be amended by the LEA and/or other Agency authorizations.
7. Upon successful completion of an approved ADC pilot project and upon administrative concurrence by the LEA, CIWMB, and the RWQCB the Operator may commence ongoing non-experimental ADC use.
8. This facility must comply with all applicable Federal, State and local enactments, laws and regulations, including the State Minimum Standards established by the C.I.W.M.B. in CCR Title 14, and CCR Title 27, administered locally by the Local Enforcement Agency. The Local Enforcement Agency is the City of San Jose, Department of Planning, Building and Code Enforcement.
9. Stockpiling of recyclable materials, such as construction/demolition wastes, concrete, wood, roofing materials, hogfuel and yardwaste will be carried out in the manner described in the most recent LEA approved RDSI. The volumes and spacing of these stockpiles will be arranged to be in conformance with City Fire Codes and the 1994 Uniform Fire Code (Section 3003, 902.2.2.2.1, and Sections 1103.3.5 to 1103.3.5.4) so that stockpiles will be limited to a vertical height of no more than 20 feet, with a maximum volume of 150,000 cubic feet, and with access-way spacings of 20 feet in between piles. The LEA may amend or further reduce these stockpile heights, if in their opinion it is necessary in order to protect public health and safety and the environment, or to prevent hazardous site conditions.
11. Any future Soils Bioremediation projects must first be approved of by the Bay Area Air Quality Management District (BAAQMD), the LEA, the RWQCB, and the CIWMB.
12. All Facility operations shall be conducted in accordance with the operations and design described in the RDSI, as approved by the LEA, and in compliance with all State Statutes, Regulations, City of San Jose Municipal Codes and Ordinances, and Land Use Permits.
13. The Facility Operator shall survey access roads a minimum of one time per month and shall patrol the perimeter of the property boundary of the Facility at least once each operational day and shall remove for legal disposal any litter, waste, or other illegally disposed materials (Note: Medical Wastes, Hazardous Wastes or Extremely Hazardous Wastes shall be removed in compliance with applicable laws and standards governing their handling and disposal).
14. The Facility Operator shall provide water misting equipment and watering trucks as necessary in order to control nuisance dust resulting from Facility operations, as determined necessary by the LEA and the Air District. The Facility Operator shall provide watering and cleaning equipment as frequently as necessary in order to maintain access roads and internal roads in a manner that will minimize dust, mud accumulation and airborne nuisances, as determined by the LEA and the Air District. Water cleaning of access roads shall be limited to the roadway (east and west) within 250 feet of the entrance road for the landfill.
15. Prior to acceptance of any friable asbestos for landfilling, the operator must document in the Operating Record that the site is in full compliance with the most recent asbestos regulations of Title 14 CCR section 17897. This will include documentation that the site has complied with section 17897 provisions for establishing a designated asbestos containing waste disposal area approved of by the LEA.

VOA7 - Laurie Halk -

# California Integrated Waste Management Board

## Board Meeting

November 19, 1997

### AGENDA ITEM 22

**ITEM: CONSIDERATION OF THE ISSUANCE OF A REVISED SOLID WASTE PERMIT FOR THE EDM HILL SANITARY LANDFILL, RIVERSIDE COUNTY**

#### I. SUMMARY

##### Facility Facts

Name: Edom Hill Sanitary Landfill,  
Facility No. 33-AA-0011

Facility Type: Class III Sanitary Landfill

Location: 70100 Edom Hill Road, near  
Cathedral City

Permitted Area: 640 acres, 400 acres for  
disposal

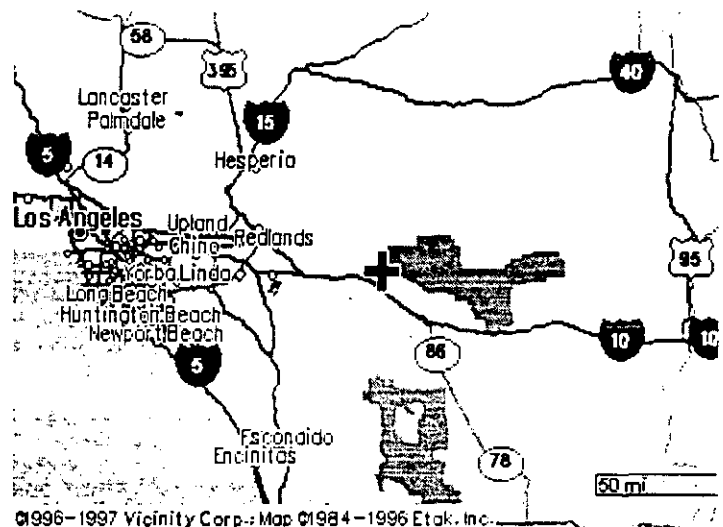
Proposed Area: 655 acres total, 148 acres for  
landfilling

Setting: The surrounding area is open space (desert), an abandoned water park, and the defunct Whitefeather Farms Compost Facility.

Operational Status: Active, currently operating under a permit issued by the LEA in December 1992

Permitted Tonnage: 1200 tons per day (TPD)

Proposed Tonnage: 2,651 tons per day (TPD)



Capacity: 7.1 million cubic yards airspace (waste, daily cover, intermediate cover) remaining as of 1994

Estimated  
Closure: 2002

Owner/  
Operator: Riverside County Waste Resources Management District  
Robert Nelson, CEO

LEA: Riverside County Department of Environmental Health  
John Fanning, Director

### Proposed Project

The proposed permit would allow the site to take a maximum of 2,651 tons per day of solid waste. The operator estimates an average of 1,153 tons per day. It would also reduce the maximum "disposal footprint" to 148 acres, allow a vertical expansion of 40 feet, and increase the capacity by about 1.1 million cubic yards (delaying closure to 2004). In addition, the permit would allow operation of the facility, during daylight hours only, anytime from 6:00 a.m. to 8:00 p.m. and adds 15 acres to the facility area, which will be used for a sedimentation pond.

The operator wishes to increase waste intake as soon as possible because of the recent closure of the Coachella Landfill. In March, the Board concurred in the issuance of a permit for a large volume transfer station to be located at the Coachella site, but due to the vagaries of local politics, the station has not been constructed.

The proposed permit also reflects the current operator's name. In 1992, it was the County Department of Waste Management. In 1994, Riverside County reorganized the structure of its solid waste department (operator). It is now the Riverside County Waste Resources Management District. Robert Nelson, formerly Director of the Department, stayed on as the Chief Executive Officer of the District. Instead of being under the County's Chief Administrative Officer, Mr. Nelson now reports directly to the Board of Supervisors.

### Site History

The Edom Hill Sanitary Landfill has operated since 1967. Riverside County Waste Resources Management District (RCWRMD) operates the site. RCWRMD leases 640 acres of the property from the Bureau of Land Management. The lease expires in 2004. The additional 15 acres has recently been purchased to allow for the construction of a needed sedimentation pond.

The landfill also contains three lined liquid waste ponds. The site is surrounded by open space, mostly desert. There are no residences within 1,000 feet of the site. The site is in a remote area, but borders on Cathedral City's boundaries. The recently purchased 15 acres lies within Cathedral City's boundaries.

It should be noted that Cathedral City has filed suit to stop the expansion. According to a *Desert Sun* article, the City believes the EIR to be inadequate, specifically noting that the landfill will impact groundwater that the City uses. The City also believes the traffic study to be inadequate. The operator counters that the dry climate reduces the chance of any leachate generation and groundwater contamination. At the time that this item was prepared, no legal action has occurred to invalidate the EIR or the County Board of Supervisors' decision to approve of the project.

Additionally, a vertical expansion of the landfill has been subject to controversy because the main trace of the south branch of the San Andreas Fault passes through the site. Attachment 1 shows the position of the fault trace in relation to the facility.

## **II. PREVIOUS (BOARD OR COMMITTEE) ACTION**

At the time that this item was prepared staff had not yet received the proposed permit package. Staff anticipate that a recommendation will be made at the November 5 Permitting and Enforcement Committee Meeting.

## **III. OPTIONS FOR THE BOARD OR COMMITTEE**

Requirements for Concurrence with the Solid Waste Facilities Permit Pursuant to Public Resources Code, Section 44009, the Board has 60 calendar days to concur in or object to the issuance of a Solid Waste Facility Permit. Since the permit was received on October 17, 1997, the last day the Board could act is December 16, 1997.

Board Members may decide to:

1. Concur in the issuance of the proposed permit;
2. Object to the issuance of the proposed permit; or
3. Take no action on the proposed permit; if no action is taken within 60 days of the receipt of the proposed permit, the Board shall be deemed to have concurred in the issuance of the permit as submitted.

## **IV. STAFF RECOMMENDATION**

At the time that this item was prepared, staff had not yet completed the review of the proposed permit package. Staff anticipates that a recommendation will be made at the November 5 Permitting and Enforcement Committee meeting.

## V. ANALYSIS

The following table summarizes Board staff's analysis:

Edom Hill Sanitary Landfill Facility No. 33-AA-0011	Accept- able	Unac- ceptable	To Be Deter- mined	Not Applic- able	See Details in Agenda Item
CIWMP Conformance (PRC 50001)				X	
CoSWMP Conformance (PRC 50000)			X		
General Plan Conformance (PRC 50000.5)			X		
Conformance With State Minimum Standards			X		
California Environmental Quality Act			X		
Closure/Post-Closure Maintenance Plan	X				
Funding for Closure/Post-Closure Maintenance			X		
Operating Liability			X		
RFI Completeness	X				

## VI. FUNDING INFORMATION

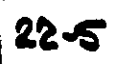
Not applicable.

## VII. ATTACHMENTS

1. Site map
2. Proposed permit

## VIII. APPROVALS

Prepared By: David Otsubo *10/20/97* Phone: 255-3303  
Reviewed By: Paul Willman/Don Dier, Jr. *10/28/97* Phone: 255-2453  
Reviewed By: Dorothy Rice *D. Rice* Phone: 255-2431  
Legal Review: Kathryn Johnson Date/Time: 10/31/97



**SOLID WASTE FACILITY PERMIT**

1. Facility/Permit Number

**33-AA-0011/97-03**

2. Name and Street Address of Facility  
Edom Hill Sanitary Landfill  
70-100 Edom Hill Road  
Cathedral City, CA. 92234

3. Name and Mailing Address of Operator  
Riverside County Waste Resources  
Management District  
1995 Market Street  
Riverside, CA. 92501  
(owner of 15 acres)

4. Name and Mailing Address of Owner  
U.S. Bureau of Land Management  
P.O. Box 2000  
N. Palm Springs, CA. 92258-2000  
(owner of 640 acres)

## 5. Specifications --

## a. Permitted Operations

- ☐ Composting Facility (mixed wastes)  
☐ Composting Facility (yard waste)  
☒ Landfill Disposal Site  
☐ Material Recovery Facility

- ☐ Processing Facility  
☐ Transfer Station  
☐ Transformation Facility  
☐ Other:

b. Permitted Hours of Operation: 7:30 am to 5:00 p.m., Monday through Saturday and 1<sup>st</sup> Sunday of each month. May change hours of operation to 6:00 am to 8:00 p.m., Monday through Sunday with prior notification to the LEA. Closed New Year's Day, Easter Sunday, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, Christmas Day.

## c. Permitted Tons per Operating Day:

Maximum

Non-Hazardous - General	2,651 Tons/Day
Non-Hazardous - Sludge	00 Tons/Day
Non-Hazardous - Separated or commingled recyclables	00 Tons/Day
Non-Hazardous - Other (See Section 14 of Permit)	00 Tons/Day
Designated (See Section 14 of Permit)	00 Tons/Day
Hazardous (See Section 14 of Permit)	00 Tons/Day
<b>Total</b>	<b>2,651 Tons/Day</b>

## d. Permitted Traffic Volume:

Non-Hazardous - General	784 Vehicles/Day
Non-Hazardous - Sludge	00 Vehicles/Day
Non-Hazardous - Separated or commingled recyclables	00 Vehicles/Day
Non-Hazardous - Other (See Section 14 of Permit)	00 Vehicles/Day
Designated (See Section 14 of Permit)	00 Vehicles/Day
Hazardous (See Section 14 of Permit)	00 Vehicles/Day
<b>Total</b>	<b>784 Vehicles/Day</b>

## e. Key Design Parameters (Detailed parameters are shown on site plans bearing LEA and CIWMB validations):

	Total	Disposal	Transfer	MRF	Composting	Transformation
Permitted Area (in acres)	655 a	148 a	a	a	a	a
Design Capacity		10,038,252 Cy	tpd	tpd	tpd	tpd
Maximum Elevation (Ft. MSL)		Ft				
Maximum Depth (Ft. BSG)		Ft				
Estimated Closure Date		2003				

Upon a significant change in design or operation from that described herein, this permit is subject to revocation or suspension. The attached permit findings and conditions are integral parts of this permit and supersede the conditions of any previously issued solid waste facility permits.

## 6. Approval:

John M. Fanning/Director, Riverside County Environmental Health Department

## 7. Enforcement Agency Name and Address:

Local Solid Waste Management Enforcement  
Agency for Riverside County  
1737 Atlanta Avenue, Building "H-5"  
Riverside, CA 92507

## 8. Received by CIWMB:

**OCT 17 1997**

## 9. CIWMB Concurrence Date:

## 10. Permit Review Due Date:

## 11. Permit Issued Date:

## 12. Legal Description of Facility:

Section 26, T3S R5E and portion Section 27, T3S R5E, San Bernardino Base Meridian

# SOLID WASTE FACILITY PERMIT

1. Facility/Permit Number

33-AA-0011/97-03

## 13. Findings --

- a. This permit is consistent with the Countywide Integrated Solid Waste Management Plan (CIWMB). Public Resources Code, Section 50001. Date: June 1997
- b. This permit is consistent with standards adopted by the California Integrated Waste Management Board (CIWMB). Public Resources Code, Section 44010.
- c. The design and operation of the facility is in compliance with the State Minimum Standards for Solid Waste Handling and Disposal as determined by the LEA on October 29, 1997.
- d. The Riverside County Fire Department has determined that the facility is in conformance with applicable fire standards as required in Public Resources Code, Section 44151.
- e. A Notice of Completion is filed with the State Clearinghouse (SCH # 95102064), July 1997, pursuant to Public Resources Code, Section 21081.6.
- f. A Countywide Integrated Waste Management Plan has not been approved by the California Integrated Waste Management Board.
- g. The Riverside County Planning Department made a written determination that the facility is consistent with, and designated in, the applicable general plan per Public Resources Code, Section 50000.5 (a) July 1991
- h. The Riverside County Planning Department has made a written finding that surrounding land use is compatible with the facility operation, as required in Public Resources Code, Section 50000.5 (b). July 1991

## 14. Prohibitions --

The permittee is prohibited from accepting any liquid waste sludge, non-hazardous waste requiring special handling, designated waste, or hazardous waste.

The permittee is additionally prohibited from the following items:

- nighttime operations without approved lighting
- Burning of wastes
- Scavenging
- Acceptance of any material after proposed grade has been met
- Disposal of waste beyond handling capacity

## 15. The following documents also describe and/or restrict the operation of this facility (insert document date in spaces):

	Date		Date
<input checked="" type="checkbox"/> Report of Facility Information	Sept. 1995	<input type="checkbox"/> Contract Agreements - operator and contract	
<input type="checkbox"/> Land Use Permits and Conditional Use Permits		<input checked="" type="checkbox"/> Waste Discharge Requirements	Sept 1993
<input checked="" type="checkbox"/> Air Pollution Permits and Variances	Sept 1989	<input type="checkbox"/> Local & County Ordinances	
<input checked="" type="checkbox"/> EIR	July 1997	<input type="checkbox"/> Final Closure & Post Closure Maintenance Plan	
<input checked="" type="checkbox"/> Lease Agreements - owner and operator	Nov 1984	<input checked="" type="checkbox"/> Amendments to RFI	March 1997
<input checked="" type="checkbox"/> Preliminary Closure/Post Closure Plan	Nov 1994	<input checked="" type="checkbox"/> Operating Liability	Sept 1997
<input type="checkbox"/> Closure Financial Responsibility Document	Sept 1997	<input type="checkbox"/> Other (list):	June 1992

## 16. The following environmental measurements shall be reported to the LEA on a quarterly basis:

- a copy of the most recent MMIS report on the
- number and type of vehicles utilizing the site each day (collection and public "loads")
- quantities and types of wastes received each day

A responsible officer or representative of the permittee shall attest to the accuracy of the report, and sign to that effect. The report shall be submitted to the LEA in accordance with the following schedule:

### REPORTING PERIOD

January through March  
April through June  
July through September  
October through December

### REPORT DUE

May 1  
August 1  
November 1  
February 1

22-7



# SOLID WASTE FACILITY PERMIT

1. Facility/Permit Number

33-AA-0011/97-03

## 17. LEA Conditions - -

- a. The operator shall make copies of all inspection reports and permits issued by this and other regulatory agencies available for review by site personnel and authorized representatives of all responsible agencies during normal office hours. In addition, a copy of this permit, the Report of Facility Information and special occurrence log shall be maintained onsite.
- b. The facility is permitted to receive the following non-hazardous solid wastes: Residential waste, mixed municipal waste, agricultural, construction/ demolition, non-hazardous industrial, triple- rinsed and punctured empty pesticide containers, dead animals, grits and screenings.
- c. Any additional information the LEA deems necessary to permit and inspect this facility shall be provided by the operator.
- d. This permit supersedes previous permit No. 33-AA-0011 issued on December 1992. This permit reflects a change in tonnage from 1200 TPD to 2,651 TPD and a vertical expansion of 40 feet.
- e. To comply with Title 27, Section 20590 (Personnel Health and Safety), the operator shall ensure that all personnel assigned to waste handling/processing duties have and utilize (when and where appropriate) the following equipment: dust masks, hearing protection devices, safety glasses/goggles, safety vests, heavy work gloves, heavy work boots (steel shanks and toes recommended), and hard hats. Where applicable, this equipment shall meet all State and Federal safety standards. A copy of the site's Health and Safety Plan shall be maintained on-site.
- f. The site shall maintain the formal hazardous waste monitoring program that is approved by this agency. At a minimum, the program shall include the following:
  - inspection of all incoming loads for fugitive hazardous wastes at the fee booth/scales.
  - training of all staff responsible for waste handling/management in hazardous waste recognition and site procedures in managing detected hazardous wastes
  - Signs listing materials prohibited from the facility
- g. At a minimum, the following items shall be recorded in the site's special occurrences log:
  - weather conditions that adversely impact site operations
  - fires
  - explosions
  - accidents and/or injuries
  - any incidents involving hazardous waste
  - visits by regulatory agencies (name, agency, mailing address and phone number)
  - Equipment down time that adversely impacts operations

**CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**

**Resolution 97-503**

**CONSIDERATION OF THE ISSUANCE OF A REVISED SOLID WASTE FACILITY  
PERMIT FOR THE EDM HILL SANITARY LANDFILL, RIVERSIDE COUNTY**

**WHEREAS**, disposal operations at the Edom Hill Sanitary Landfill began in 1967; and

**WHEREAS**, in 1992 the operator received its current Solid Waste Facility Permit; and

**WHEREAS**, Riverside County Waste Resources Management District (RCWRMD), proposes to increase tonnage intake to accommodate the waste stream of the area as the Coachella Landfill has now closed, to add 40 feet of elevation, and increase site acreage by 15 acres; and

**WHEREAS**, RCWRMD, acting as lead agency, prepared a draft environmental impact report (SCH #95102064) commented on by Board staff on March 24, 1997 and a final environmental impact report which responded to staff comments; and

**WHEREAS**, the County of Riverside Board of Supervisors approved the project in July 1997; and

**WHEREAS**, RCWRMD, operator of the Edom Hill Sanitary Landfill, has applied to revise the solid waste facility permit issued in 1992; and

**WHEREAS**, the LEA has submitted to the Board for its review and concurrence in, or objection to, a revised Solid Waste Facility Permit for the Edom Hill Sanitary Landfill; and

**WHEREAS**, Board staff have evaluated the proposed permit for consistency with the standards adopted by the Board and found the facility design and operation consistent with State Minimum Standards; and

**WHEREAS**, the Board finds that all state and local requirements for the proposed permit have been met, including consistency with Board standards, conformance with the Riverside County Solid Waste Management Plan, consistency with the Riverside County General Plan, and compliance with the California Environmental Quality Act; and

**WHEREAS**, the most recent joint CIWMB/LEA inspection, conducted on October 30, 1997, documented no violations of the State Minimum Standards for Solid Waste Handling and Disposal;

**NOW, THEREFORE, BE IT RESOLVED** that the California Integrated Waste Management Board concurs in the issuance of Solid Waste Facility Permit No. 33-AA-0011.

#### **CERTIFICATION**

The undersigned Executive Director, or his designee, of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on November 19, 1997.

Dated:

Ralph E. Chandler

Executive Director

Bill Ismail

# California Integrated Waste Management Board

## Board Meeting

November 19, 1997

### AGENDA ITEM 23

#### ITEM:

CONSIDERATION OF ADOPTION OF A NEGATIVE DECLARATION FOR A MAJOR WASTE TIRE FACILITY PERMIT FOR CALIFORNIA ASBESTOS MONOFILL (CAM), CALAVERAS COUNTY

#### I. SUMMARY

The California Integrated Waste Management Board (CIWMB), acting as Lead Agency, has prepared an Initial Environmental Study and Checklist (IS) to:

- 1) Identify potential environmental effects that might result from this proposed project.
- 2) Determine whether any such impacts are significant.
- 3) Ascertain whether significant impacts can be mitigated to a level of insignificance in compliance with the CEQA Statutes and Guidelines.
- 4) Determine whether to prepare a Negative Declaration (ND) or Environmental Impact Report (EIR) for the proposed project.

It was determined that the potential environmental effects of the proposed project were insignificant and a ND was subsequently prepared for the project. The IS and ND have been forwarded to responsible and interested agencies for review and comment in compliance with the California Environmental Quality Act (CEQA) Guidelines, California Code of Regulations (CCR) Sections 15063(g) and 15071. These documents were filed with the State Clearinghouse on October 16, 1997.

Review and comments from interested agencies will be important in evaluating this proposed project and in assisting the Lead Agency in making environmental determinations. All written comments received by November 17, 1997, regarding this environmental review will be considered by the CIWMB prior to adoption of the ND and approval of a Major Waste Tire Facility Permit for CAM, as required in CEQA Guidelines, CCR Section 15074(b).

#### II. PREVIOUS BOARD ACTION

At the time this item was prepared, the Permitting and Enforcement Committee had not met.

### III. STAFF RECOMMENDATION

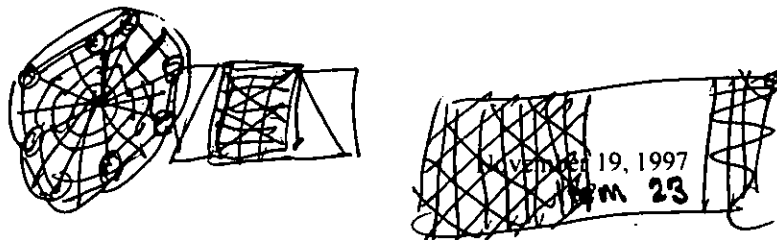
Staff recommends that the CIWMB adopt the Negative Declaration for a Major Waste Tire Facility Permit for California Asbestos Monofill (CAM), Calaveras County.

### IV. ATTACHMENTS

1. Permit Decision 97-505
2. Negative Declaration

### V. APPROVALS

Prepared By:	Michael Keffer <u>MK</u>	Phone:	<u>255-2123</u>
Reviewed By:	Cody Begley <u>C.B.</u>	Phone:	<u>255-4063</u>
Reviewed By:	Garth Adams <u>GA</u>	Phone:	<u>255-0904</u>
Reviewed By:	Don Dier, Jr. <u>DD</u>	Phone:	<u>255-2453</u>
Reviewed By:	Dorothy Rice <u>D. Rice</u>	Phone:	<u>255-2431</u>
Legal Review:	<u>Kathryn Jobier</u>	Date/Time:	<u>11/4/97</u>



## CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

### Resolution 97-505

#### CONSIDERATION OF ADOPTION OF A NEGATIVE DECLARATION FOR A MAJOR WASTE TIRE FACILITY PERMIT FOR CALIFORNIA ASBESTOS MONOFILL (CAM), CALAVERAS COUNTY

**WHEREAS**, California Asbestos Monofill (CAM) has submitted an application for a Major Waste Tire Facility Permit; and

**WHEREAS**, the Environmental Impact Report (EIR) prepared by CAM for the disposal of asbestos-containing waste did not address the storage of waste tires; and

**WHEREAS**, Division 13 (commencing with Section 21000) of the California Public Resources Code requires an environmental document be prepared when a change in operating procedures is proposed; and

**WHEREAS**, the Board, acting as the Lead Agency, prepared and forwarded to responsible agencies for comment a Negative Declaration for the storage of waste tires at CAM; and

**WHEREAS**, the Board has determined the storage of waste tires at CAM does not represent an significant environmental threat to the public health and safety and the environment.

**NOW, THEREFORE, BE IT RESOLVED** that the Board, acting as the Lead Agency, adopts the Negative Declaration for the storage of waste tires at CAM.

#### CERTIFICATION

The undersigned Executive Director, or his designee, of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on November 19, 1997.

Dated:

Ralph E. Chandler

Executive Director



Pete Wilson  
Governor

James M. Strock  
Secretary for  
Environmental  
Protection

# INITIAL STUDY AND PROPOSED NEGATIVE DECLARATION

California  
Environmental  
Protection  
Agency

*Integrated  
Waste  
Management  
Board*

8800 Cal Center Dr.  
Sacramento CA 95826  
(916) 255-2200

October 15, 1997

**To:** Interested Agencies

**From:** William L. Ishmael, Waste Management Specialist  
Environmental Review Section  
Permitting and Enforcement Division  
California Integrated Waste Management Board (CIWMB)  
8800 Cal Center Drive.  
Sacramento, CA 95826

**Subject:** Initial Study and proposed Negative Declaration (ND) for the approval of a Major Waste Tire Facility Permit (SWIS #05-TI-0726) at the Calaveras Asbestos Monofill (CAM) in Calaveras County.

The California Integrated Waste Management Board (CIWMB), acting as Lead Agency, has prepared an Initial Environmental Study and Checklist (IS) to: 1) identify potential environmental effects that might result from this proposed project; 2) determine whether any such impacts are significant; 3) ascertain whether significant impacts can be mitigated to a level of insignificance in compliance with the CEQA Statutes and Guidelines; and 4) determine whether to prepare a Negative Declaration or Environmental Impact Report (EIR) for the proposed project.

This IS and proposed ND are being forwarded to responsible and interested agencies for review and comment in compliance with California Environmental Quality Act (CEQA) Guidelines, California Code of Regulations (CCR) Sections 15063(g) and 15071. Review and comments from interested agencies will be important in evaluating this proposed project



and in assisting the Lead Agency in making environmental determinations. The Lead Agency is considering the adoption of a ND for this proposed project (draft attached); however, the final decision to adopt the ND or prepare and circulate an EIR will be made only after consultation with, and comments are received from, Responsible Agencies and other interested parties.

All written comments received by November 17, 1997, regarding this environmental review will be considered by the CIWMB prior to project approval, as required in CEQA Guidelines, CCR Section 15074(b).

## REGULATORY AUTHORITY

Under Chapter 16 of the California Public Resources Code (PRC), the CIWMB has the responsibility for the administration of waste tire programs. Under the related California Code of Regulation (CCR), Chapter 6, Permitting of Waste Tires the CIWMB has the authority to require and issue Major Waste Tire Facility Permit for facilities that store 5,000 or more waste tires. State minimum standards for the storage and disposal of waste tires are established in CCR Chapter 3, Article 5.5.

## PROJECT DESCRIPTION

The primary project addressed by this California Environmental Quality Act (CEQA) review is the proposed CIWMB approval of a Major Waste Tire Facility Permit for the storage of waste tires at the CAM facility.

The CAM is a closed asbestos mine facility that is permitted to dispose of asbestos containing waste, and other inert waste (including tires) under Calaveras County Use Permits # 87-33 and #93-01 (as amended). The CAM is designated as an "unclassified landfill" by the California Regional Water Quality Control Board (RWQCB) in Waste Discharge Requirements (WDR #91-019) issued by the RWQCB for the facility in 1991. The transportation, processing, and monofilling of waste tires at the CAM facility has been approved and permitted by agencies other than the CIWMB, and these activities are not part of the proposed waste tire storage project considered in this environmental study. Potential environmental impacts from the transportation, processing, and monofilling of waste tires at the CAM facility were addressed in the 1989 Environmental Impact Report (EIR), identified by SCH #87081711, the 1994 Supplemental EIR, and the 1996 EIR Addendum, which are hereby incorporated by reference.

The CAM facility is located in the southwestern portion of Calaveras County, about 5 miles southeast of the town of Copperopolis, and approximately 3 mile east of O'Byrnes Ferry Road. The CAM facility is located on a 676-acre site owned by USA Waste Services, Inc.; and identified as Assessor's Parcel Numbers 64-027-02, 64-027-06, 64-028-11, 64-028-14, and portions of 64-028-018.

The project applicant (and facility operator) California Asbestos Monofill Inc. (CAM Inc.), proposes to store whole and/or shredded waste tires in 2 tire stockpiles at the CAM as an ancillary part of the receipt, processing, and monofilling of waste tires at the facility.



According to the Operation Plan (CIWMB Form 501), and the site plan (Drawing Number 2-100-021, attached) submitted with the Emergency Action Plan (see below), the tires will be stored in two individual piles measuring 50 feet by 100 feet with a maximum height of 10 feet. Each pile is expected to contain up to 25,000 cubic feet (cf) of waste tires in a pyramidal, or cone shaped pile. Maximum volume of both piles is estimated to be 50,000 cf.

Since the piles may include both whole and shredded tires, and whole and shredded tires have different conversion factors for the number of tires per cubic foot, it is difficult to estimate the maximum number of tires that will be on site at any one time. The Operation Plan indicates that the maximum number of tires will be 33,056 tires; and CIWMB Tire Section staff notes indicate a potential maximum of 46,259 tires. Using the higher estimate, and adding 10% for possible error, the maximum number of tires expected to be stockpiled on site at one time is estimated to be 51,000 tires, for purposes of this environmental review.

One tire pile (S1) will be east of the CAM receiving and inspection station near the tire unloading area, and the other pile (W1) will be northeast of the receiving and inspection station, near the tire loading area (see Drawing Number 2-100-021). Tires will be unloaded from incoming vehicles and temporarily stored in pile S1, after inspection and necessary volume reduction, the tires will be placed in pile W1 for transport to the monofill site.

Since some of the waste tires received will be whole tires, there will be on-site shredding, chopping, slicing, or other volume reduction methods to make the whole tires acceptable for monofilling. The tire reduction process is expected to take place near the northern side of pile W-1. The proposed volume reduction process is not part of the tire storage operation to be permitted and regulated by the proposed Major Waste Tire Facility Permit, and may require approval or permits from the local Air Quality Management District.

The CAM facility is permitted to operate 24 hours per day, 7 days per week. The tire reduction operation is expected to operate a maximum of 10 hours per day.

All tire storage will be in conformance with the Waste Tire Storage and Disposal Standards in CCR Chapter 3, Article 5.5, Sections 17350 through 17354. The May 1997 CAM Emergency Action Plan (Incorporated herein by reference) and the Operation Plan contains provisions for the protection of public health and safety, and the environment from impacts related to tire storage, and the threat of fire in tire stockpiles.

The CAM Emergency Action Plan, Fire Prevention and Monitoring Plan, and the Operation Plan have been reviewed and approved by the local fire authority, the Copperopolis Fire District (copies available from the CIWMB, upon request). A vector control plan has been prescribed and required for the project by the Calaveras County Environmental Health Department (Operation Plan, Attachment A).

## ENVIRONMENTAL CHECKLIST AND ANALYSIS

An ENVIRONMENTAL CHECKLIST FORM is attached to this Initial Study that lists, in matrix form, the potential for significant environmental impacts that could result from the implementation of this proposed project. This form also includes an ENVIRONMENTAL

CHECKLIST ANALYSIS that analyses the potential for these effects and presents findings made by the Lead Agency.

## CIWMB PROJECT CONTACT PERSONS

The person preparing this Initial Study is: William L. Ishmael, of the Environmental Review Section (ERS) of the CIWMB (916-255-3305).

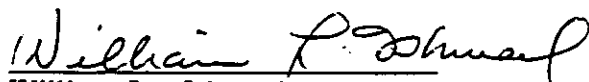
## SUMMARY

Comments and suggestions from Responsible Agencies and other interested agencies are hereby solicited for this proposed project. These comments and suggestions should help the Lead Agency in the identification of potential significant environmental effects that might result from this proposed project, the recommendation of mitigation measures to address any potential significant effects, and recommendations for the type of environmental document to be prepared for this proposed project.

Please submit your written comments to this office at the above address no later than November 17, 1997. Comments received after this date may not be considered by the CIWMB prior to project approval.

If there are any questions, please contact me at (916) 255-3305.

Sincerely,



William L. Ishmael

Environmental Review Staff

Permits Branch

Permitting and Enforcement Division

CIWMB

## ATTACHED:

Environmental Checklist and Environmental Checklist Analysis  
Drawing Number 1-100-1-32  
Drawing Number 2-100-2-021, Sheets 1 and 2  
Specification Sheet for Barclay 6" Primary Shredding Machine



Cal/EPA

California  
Environmental  
Protection  
Agency

Integrated  
Waste  
Management  
Board

8800 Cal Center Dr.  
Sacramento CA 95826  
(916) 255-2200



Pete Wilson  
Governor

James M. Struck  
Secretary for  
Environmental  
Protection

## PROPOSED NEGATIVE DECLARATION

October 15, 1997

Pursuant to the California Environmental Quality Act (CEQA) Statutes, Public Resources Code (PRC) Section 21080(c), and CEQA Guidelines in Title 14 of the California Code of Regulations (CCR) Sections 15070 and 15071; the Environmental Review Section Manager of the California Integrated Waste Management Board (CIWMB) does prepare, make, declare, publish and cause to be filed with the California State Clearinghouse, this Negative Declaration re: The project described as follows:

1) **Title and Short Description of Project:**

Initial Study and proposed Negative Declaration (ND) for the CIWMB approval, and issuance of a Major Waste Tire Facility Permit (SWIS #05-TI-0726) for the storage of waste tires at the California Asbestos Monofill in Calaveras County. This approval will be considered under the authority of Public Resources Code (PRC), Section 42822.

2) **Location of Project:**

California Asbestos Monofill  
O'Byrnes Ferry Road  
Copperopolis, CA 95228

3) **The proposed project will not have a significant effect on the environment for the following reasons:**

An Initial Study was conducted, and findings were made, that shows that there is no substantial evidence that this proposed project may have a significant effect on the environment (reference CCR, Section 15070).



Recycled Paper

November 17, 1997

4) **Environmental Impact Report Requirement:**


As a result of the Initial Study and Findings, the preparation of an Environmental Impact Report pursuant to CEQA Guidelines, CCR Section 15065 is not required.

5) **Information Pertaining to the Initial Study**

The attached Initial Study has been prepared by the Environmental Review Section of the California Integrated Waste Management Board in support of this Negative Declaration. Further information may be obtained by contacting:

William L. Ishmael  
Environmental Review Section  
Permitting and Enforcement Division  
CIWMB  
8800 Cal Center Drive  
Sacramento, CA 95826  
(916) 255-3305

By

  
Mark De Bie  
Manager  
Environmental Review Section  
Permitting and Enforcement Division  
CIWMB

# ENVIRONMENTAL CHECKLIST FORM

**1. Project Title:**

California Waste Management Board (CIWMB) approval and issuance of a Major Waste Tire Facility Permit (SWIS #05 -TI-0726) for the storage of waste tires at the California Asbestos Monofill in Calaveras County.

**2. Lead Agency Name and Address:**

California Integrated Waste Management Board  
Environmental Review Section  
Permitting and Enforcement Division  
8800 Cal Center Drive  
Sacramento, CA 95826

**3. Contact Person and Phone Number:**

Bill Ishmael  
Environmental Review Section Staff  
CIWMB  
(916) 255-3305

**4. Project Location:**

O'Byrnes Ferry Road  
Copperopolis, CA 95228

**5. Project Sponsor's Name and Address:**

California Asbestos Monofill Inc.  
P.O. Box 127  
Copperopolis, CA 95228

**6. General Plan Designation:**

Natural Resource Lands

**7. Land Use Category:**

Mineral Resource Area 2-A (MRA 2-A)

**8. Description of Project:**

The CIWMB proposes to issue a Major Waste Tire Facility Permit for the storage of waste tires at the California Asbestos Monofill (CAM).

**9. Surrounding Land Uses and Setting:**

The waste tire storage facility will be located on a portion of the 676-acre asbestos monofill site. Surrounding lands to the north, west, southwest are used primarily as watershed protection and forage for wildlife and cattle. With the exception of privately owned lands to the west and southwest of the CAM facility, the adjacent properties are under BLM ownership.

**10. Other Public Agencies whose approval is required:**

Transportation, processing, and monifilling of asbestos containing waste (ACW) and shredded tires is already permitted at the CAM Facility by Calaveras County Use Permits #87-33 and 93-01 (as amended), and Waste Discharge Requirements (WDR #91-019) as issued by the Regional Water Quality Control Board.

## ENVIRONMENTAL CHECKLIST FORM

### ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |   |   |
|---|---|
| <input type="checkbox"/> Land Use and Planning  | <input type="checkbox"/> Transportation/Circulation         |
| <input type="checkbox"/> Public Services        | <input type="checkbox"/> Population and Housing             |
| <input type="checkbox"/> Biological Resources   | <input type="checkbox"/> Utilities and Service Systems      |
| <input type="checkbox"/> Geological Problems    | <input type="checkbox"/> Energy and Mineral Resources       |
| <input type="checkbox"/> Aesthetics             | <input checked="" type="checkbox"/> Water                   |
| <input checked="" type="checkbox"/> Hazards     | <input type="checkbox"/> Cultural Resources                 |
| <input checked="" type="checkbox"/> Air Quality | <input checked="" type="checkbox"/> Noise                   |
| <input type="checkbox"/> Recreation             | <input type="checkbox"/> Mandatory Findings of Significance |

# ENVIRONMENTAL CHECKLIST FORM

## DETERMINATION (To be completed by the Lead Agency)

On the basis of this initial evaluation:

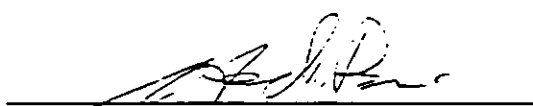
I find that the proposed project COULD NOT have a significant effect on the environment and a NEGATIVE DECLARATION will be prepared. ☒

I find that although the proposed project could have a significant effect(s) on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A MITIGATED NEGATIVE DECLARATION will be prepared. ☐

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required. ☐

I find that the proposed project MAY have a significant effect(s) on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a "potentially significant impact" or "potentially significant unless mitigated." An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effect that remain to be addressed. ☐

I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project. ☐

  
Signature

10/15/97  
Date

Mark de Bie  
Printed Name

CJW/ME  
For

## ENVIRONMENTAL CHECKLIST FORM

### EVALUATION OF ENVIRONMENTAL IMPACTS

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a Lead Agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project level, indirect as well as direct, and construction as well as operational impacts.
- 3) "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect is significant if there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Potentially Significant Unless Mitigation Incorporated" where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The Lead Agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analysis," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately addressed in an earlier EIR or Negative Declaration. [Section 15063 (c) (3) (D), pending approval]
- 6) Lead Agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated. See the sample question below. A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 7) This is only a suggested form, and Lead Agencies are free to use different ones.



Potentially  
Significant  
Impact

Potentially  
Significant  
unless  
Mitigated

Less Than  
Significant  
Impact

No  
Impact

## Issues

(and Supporting Information Sources)

**SAMPLE QUESTION:** Would the proposal result in potential impacts involving:

Landslides or mudslides? (1,6)

☐
☐
☐
☐

(Attached source explains that 1 is the General Plan, and 6 is a USGS topo map, This answer would probably not need further explanation.) (see ATTACHMENT 1)

**CHECKLIST** (see numbered References in the Environmental Checklist Analysis)

**I. LAND USE AND PLANNING.** Would the proposal:

a) Conflict with general plan designation or zoning? ( 1 )

☐
☐
☐
☒

b) Conflict with applicable environmental plans or policies adopted by agencies with jurisdiction over the project? ( 1 )

☐
☐
☐
☒

c) Be incompatible with existing land use in the vicinity? ( 1 )

☐
☐
☐
☒

d) Affect agricultural resources or operations (e.g. impacts to soils or farmlands, or impacts from incompatible land uses)? ( 1 )

☐
☐
☐
☒

e) Disrupt or divide the physical arrangement of an established community (including a low-income or minority community)? ( 1 )

☐
☐
☐
☒

	Potentially Significant Impact	Potentially Significant unless Mitigated	Less Than Significant Impact	No Impact
<b>II. POPULATION AND HOUSING.</b> Would the proposal:				
a) Cumulatively exceed official regional or local population projections? ( 1 )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Induce substantial growth in an area, either directly or indirectly? ( 1 )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace existing housing, especially affordable housing? ( 1 )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>III. GEOLOGIC PROBLEMS.</b> Would the proposal result in or expose people to potential impacts involving:				
a) Fault rupture? ( 1 )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Seismic ground shaking? ( 1 )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Seismic ground failure, including liquefaction? ( 1 )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Seiche, tsunami, or volcanic hazard? ( 1 )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Landslides or mudflows? ( 1 )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Erosion, changes in topography or unstable soil conditions from excavation, grading or fill? ( 1 )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Subsidence of the land? ( 1 )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expansive soils? ( 1 )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Unique geologic or physical features? ( 1 )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

IV. WATER. Would the proposal result in:

- |  |                          |                          |                                     |                                     |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff? ( 1 )   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b) Exposure of people or property to water related hazards such as flooding? ( 1 )   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c) Discharge into surface waters or other alteration of surface water quality (e.g. temperature, dissolved oxygen or turbidity)? ( 2 )   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| d) Altered direction or rate of flow of groundwater? ( 1 )   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| e) Changes in currents, or the course or direction of water movements? ( 1 )   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| f) Change in the quantity of groundwater, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations or through substantial loss of groundwater recharge capability? ( 1 ) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| g) Altered direction or rate of flow of groundwater? ( 1 )   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| h) Impacts to groundwater quality? ( 2 )   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| i) Substantial reduction of groundwater otherwise available for public water supplies? ( 1 )   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

	Potentially Significant Impact	Potentially Significant unless Mitigated	Less Than Significant Impact	No Impact
<b>V. AIR QUALITY.</b> Would the proposal:				
a) Violate any air quality standard or contribute to an existing or projected air quality violation? ( 2 )	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Expose sensitive receptors to pollutants? ( 2 )	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Alter air movement, moisture, or temperature or cause any change in climate? ( 1 )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create objectionable odors? ( 2 )	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>VI. TRANSPORTATION/CIRCULATION.</b> would the proposal result in:				
a) Increased vehicle trips or traffic congestion? ( 1 )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Hazards to safety from design features (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)? ( 1 )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Inadequate emergency access or access to nearby uses? ( 1 )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Insufficient parking capacity on-site or off-site? ( 1 )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Hazards or barriers for pedestrians or bicyclists? ( 1 )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflicts with adopted policies supporting alternative transportation (e.g. bus turnouts, bicycle racks)? ( 1 )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Rail, waterborne or air traffic impacts? ( 1 )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**VII. BIOLOGICAL RESOURCES.** Would the proposal result in impacts to:

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Endangered, threatened or rare species or their habitats (including but not limited to plants, fish, insects, animals, and birds)? ( 1 ) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Locally designated species (e.g. heritage trees)? ( 1 )  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Locally designated natural communities (e.g. oak forest, coastal habitat, etc.)? ( 1 )   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Woodland habitat (e.g. marsh, riparian and vernal pool)? ( 1 )   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Wildlife dispersion or migration corridors? ( 1 )  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**VIII. ENERGY AND MINERAL RESOURCES.**

Would the proposal:

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Conflict with adopted energy conservation plans? ( 1 )   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Use non-renewable resources in a wasteful and inefficient manner? ( 1 )  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the State? ( 1 ) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

	Potentially Significant Impact	Potentially Significant unless Mitigated	Less Than Significant Impact	No. Impact
<b>IX. HAZARDS.</b> Would the proposal involve:				
a) A risk of accidental explosion or release of hazardous substances (including, but not limited: oil, pesticides, chemicals or radiation? ( 2 )	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Possible interference with an emergency response plan or emergency evacuation plan? ( 1 )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) The creation of an health hazard or potential health hazard? ( 2 )	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Exposure of people to existing sources of potential health hazards? ( 2 )	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Increased fire hazard in areas with flammable brush, grass, or trees? ( 2 )	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>X. NOISE.</b> Would the proposal result in:				
a) Increases in existing noise levels? ( 1 )	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of people to severe noise levels? ( 1 )	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>XI. PUBLIC SERVICES.</b> would the proposal have an effect upon, or result in a need for new or altered government services in any of the following area:				
a) Fire protection? ( 1 )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Police protection? ( 1 )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Schools? ( 1 )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Maintenance of public facilities, including roads? ( 1 )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

# **I. PUBLIC SERVICE. (continued)**

- e) Other governmental services?  
( 1 )

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

## **XII. UTILITIES AND SERVICE SYSTEMS.**

Would the proposal result in a need for new systems or supplies, or substantial alterations to the following utilities:

- a) Power or natural gas? ( 1 )  
b) Communication systems?  
( 1 )  
c) Local or regional water treatment or distribution facilities? ( 1 )  
d) Sewer or septic tanks?  
( 1 )  
e) Storm water drainage? ( 1 )  
f) Solid waste disposal? ( 1 )  
g) Local or regional water supplies? ( 1 )

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## **XIII. AESTHETICS. Would the proposal:**

- a) Affect a scenic vista or scenic highway? ( 1 )  
b) Have a demonstrable negative aesthetic effect? ( 1 )  
c) Create light or glare?  
( 1 )

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## **XIV. CULTURAL RESOURCES. Would the Proposal:**

- a) Disturb paleontological resources? ( 1 )  
b) Disturb archaeological resources? ( 1 )

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## XVI. MANDATORY FINDINGS OF SIGNIFICANCE (continued)

- |    |   |                          |                          |                          |                                     |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) | Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects). | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) | Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

## XVII. EARLIER ANALYSES.

Earlier Analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or Negative Declaration. Section 15063(c)(3)(D). In this case a discussion should identify the following on attached sheets:

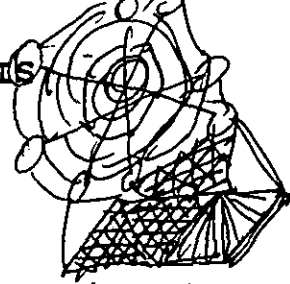
- Earlier analyses used. Identify earlier analyses and state where they are available for review.
- Impacts adequately addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on an earlier analysis.
- Mitigation measures. For effects that are "Less than Significant with Mitigation Incorporated", describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

Authority: Public Resources Code Sections 21083 and 21087. Reference: Public Resources Code Sections 21080(c), 21080.1, 21080.3, 21082.1, 21083, 21083.3, 21093, 21094, 21151; *Sundstrom v. County of Mendocino*, 202 Cal. App. 3d 296 (1988); *Leonoff v. Monterey Board of Supervisors*, 222 Cal. App. 3d 1337 (1990)



# ENVIRONMENTAL CHECKLIST ANALYSIS

## ATTACHMENT 1



### SUPPORTING INFORMATION SOURCES

The following discussions and evaluations in this document have been used as sources of information by CIWMB staff in the environmental analysis and findings for this Environmental Checklist and Initial Study. The following reference numbers correspond to numbers enclosed in parentheses under the subsections of the Environmental Checklist.

### REFERENCE ( 1 ) : CHECKLIST AREAS NOT WITHIN THE SCOPE OF THIS PROJECT

This proposed project is the issuance of a Major Waste Tire Facility Permit for the storage of waste tires as an ancillary part of previously permitted operations at the CAM facility. The following ENVIRONMENTAL CHECKLIST items are not within the scope of this proposed project and/or were considered as part of the environmental study completed for the approval of the CAM monofill project. Potential environmental impacts for the transportation, receipt, processing, and burial of ACW, and other inert waste (including tires) were considered in the 1989 EIR (SCH #87081711); the July 1994 Supplement to the 1989 EIR; and the October 1996 Addendum to the 1989 EIR. These environmental documents are available from the:

Calaveras County Planning Department  
Government Center  
891 Mountain Ranch Road  
San Andreas, CA 95249



The currently permitted design and operations at the CAM facility will not change with the implementation of the proposed waste tire storage project. For this reason, impacts to the following areas are not considered to have any significant impacts from the implementation of this proposed project:

- I LAND USE AND PLANNING  
Sections a) through e).
- II POPULATION AND HOUSING  
Sections a) through c).
- III GEOLOGIC PROBLEMS  
Sections a) through i).
- IV WATER  
Sections a), b), d), e), f), g), and i).
- V AIR QUALITY  
Section c).
- VI TRANSPORTATION/CIRCULATION  
Sections a) through g).

## ENVIRONMENTAL CHECKLIST ANALYSIS

REFERENCE ( 1 ) : (continued)

- VII BIOLOGICAL RESOURCES  
Sections a) through e).
- VIII ENERGY AND MINERAL RESOURCES  
Sections a) through c).
- IX HAZARDS  
Section b).
- XI PUBLIC SERVICES  
Sections a) through e).
- XII UTILITIES AND SERVICE SYSTEMS  
Sections a) through g).
- XIII AESTHETICS  
Sections a) through c).
- XIV CULTURAL RESOURCES  
Sections a) through e).
- XV RECREATION  
Section a) and b).
- XVI MANDATORY FINDINGS OF SIGNIFICANCE  
Sections a) through g).

REFERENCE ( 2 ) : POTENTIAL IMPACTS AND ANALYSIS FOR THIS PROPOSED PROJECT

### IV. WATER

Subsection c) and h) :

**Evaluation:** Whole waste tires are considered inert materials by the Central Valley Regional Water Quality Control Board (Page 6 of the 1996 Addendum to the 1989 EIR), and are not expected to produce soluble pollutants or leachate in precipitation run-off; therefore, potential impacts from the storage of waste tires are not considered to have any significant effects on Water Quality.

The outdoor storage of waste tires has the potential to impact surface water and ground water quality in the event of fires in the tire piles. Surface water and ground water can be contaminated by drainage from water and other fire suppressant materials used to control and extinguish fires; tire fire ash and debris; and the potential

## ENVIRONMENTAL CHECKLIST ANALYSIS

### REFERENCE ( 2 ) : (continued)

#### IV. WATER (continued)

pyrolytic oil flows that can result from tire fires. According to the State Fire Marshall Instructor Guide for the Fire Prevention and Fire Suppression of Scrap Tire Piles (pages 3 through 7 of the Environmental Impact Section), tire fires can result in ash residue with hazardous levels of zinc, lead and other heavy metals, acenaphthene, naphthalene, penathrene, and polynuclear hydrocarbons. Many of these compounds are potential carcinogens.

Potential impacts in these areas are controlled by project design and operation features that prevent fires, control the flow of pyrolytic oil, and minimize damage in case fires do occur. Adherence to the state minimum standards for tire storage as required in CCR Sections 17350 and 17356, The Operation Plan, and local fire authority restrictions, are intended to prevent fires and reduce impacts to public health and safety, and the environment (see CAM Emergency Action Plan, ATTACHMENT E, and the facility Operation Plan).

Compliance with state minimum standards, local fire authority requirements, and design and operation features of the Operation Plan are conditions of project approval.

**Findings:** For the reasons listed above, potential impacts to Water Quality as described in Sections c) and h) are found to be less than significant.

#### AIR QUALITY

Subsections a) b) , and d) :

**Evaluation: Storage Issues:** Whole waste tires are considered inert materials that do not produce particulate matter or gases; therefore, impacts from the storage of waste tires are not considered to have any significant impacts to Air Quality.

Potential fires in waste tire stockpiles are known to generate volatile organic chemicals such as benzene, toluene, and xylene; as well as polynuclear aromatic hydrocarbons, such as dioxins and dibenzofurans; and carbon monoxide in the smoke plume. Many of these compounds can cause respiratory problems, and some are carcinogenic. The loss of visibility, caused by smoke and suspended particulate matter (PM<sub>10</sub>) in the smoke also present potential Air Quality impacts from tire fires.

Impacts from tires fires are typically the result of accidental or intentional fires at unregulated tire piles that do not have site security and fire prevention plans. Impacts from tire fires are typically exacerbated by the lack or inadequacy of fire prevention and

## ENVIRONMENTAL CHECKLIST ANALYSIS

REFERENCE ( 2 ) : (continued)

### V. AIR QUALITY (continued)

suppression plans, and fire suppression equipment. The lack of limitations on tire pile sizes, and the inadequacy of fire lanes also tend to increase the severity of impacts from tire fires.

This proposed facility will have comprehensive design and operational features that will greatly reduce potential impacts from tire storage and fires. (see CAM Emergency Action Plan, ATTACHMENT E, and the facility Operation Plan).

**Volume Reduction Issues:** While the volume reduction of whole tires by shredding, chopping, slicing, or other methods is not currently regulated by the CIWMB, and the proposed Major Waste Tire Facility Permit, does not authorize or regulate these activities; this environmental evaluation considers potential impacts from these activities as part of the whole of the project.

There are plans to reduce the volume of whole tires on-site through the use of a stationary tire shredder, or cutter. There will be only one machine operating, at any given time. The stationary unit is expected to be electrically powered, with no potential for Air Quality impacts from power source emissions. See attached Specification Sheet for the Barclay 6" Primary Shredding Machine.

The shredding of the tires is not expected to produce any airborne particulate matter, dust, or pollutant gas compounds from the tire materials, based on CIWMB staff experience and studies of similar tire shredding operations, however, the operation of the tire shredder or cutting machine has the potential to produce Air Quality impacts from particulate matter (PM<sub>10</sub>) generated from dust, dirt, and or debris on the tires.

The tire shredding or cutting operation is expected to process a maximum of 9,000 ton of waste tires per year. Based on a 365 day year, at 10 hours per day of operation the maximum volume of tires processed per day is expected to be 2.47 tons per hour. This would be equal to 197.6 tires per hour, using the tire equivalent conversion factor in CCR, Section 18422.

No studies are available, or known to CIWMB staff, that indicate the estimated amounts of PM<sub>10</sub> that may be generated from dust and dirt on tires during the shredding operation.

For comparison purposes, CIWMB staff and the operator have considered the potential for PM<sub>10</sub> generation in comparison with other on-site operations. The 1989 EIR considered PM<sub>10</sub> impacts from the use of gravel aggregate material for daily cover in the asbestos monofill.

## ENVIRONMENTAL CHECKLIST ANALYSIS

REFERENCE ( 2 ) : (continued)

### V. AIR QUALITY (continued)

This analysis estimated that 0.0097 pounds of  $PM_{10}$  was released as fugitive dust for every ton of aggregate placed as daily cover. This information is available in the 1989 EIR Supplement under Reference AP 42-11.2.3-1, titled Compilation of Pollutant Emission Factors, available from the operator.

The proposed tire shredder (see attached Specifications) is a very slow moving (6 RPM), shearing machine that cuts the tire into 6" sections. There are no rapidly rotating parts to throw dust and debris in the air. CIWMB staff, and the operator estimate that the tire shredding operation, using this machine will release much less than 25% of the amount of  $PM_{10}$  produced by the aggregate cover operations. For purposes of  $PM_{10}$  impact consideration from the tire shredder, a factor of (0.0097 lbs  $PM_{10}$ /ton aggregate X .25) 0.00243lbs  $PM_{10}$ /ton of tires will be used.

When multiplied by the maximum 24.7 tons of tires to be shredded per day, the maximum amount of  $PM_{10}$  generated per day from the tire shredding operation is 0.06 lbs  $PM_{10}$  per day. This would result in less than 25 lbs of  $PM_{10}$  per year.

A phone consultation with Mr. Lakhmir Grewal of the Calaveras County Air Pollution Control District (APCD) on October 15, 1997 confirms that this amount of  $PM_{10}$  generation would not be a significant impact to air quality in the region. Mr. Grewal has indicated that this electrically powered shredding machine can be included under the facility's existing APCD permits.

The use of gasoline, or diesel powered equipment may require approval and/or permits by the Calaveras County APCD or other local agencies. Consideration of impacts from those operations, and any required mitigations may be addressed as part of that approval process.

**Findings:** For the reasons noted above, potential impacts to Air Quality as described in Subsections a) b), and d) are found to have less than significant impacts.

### IX. HAZARDS

Subsections a), c), d) and e):

**Evaluation:** Whole waste tires are considered inert materials and impacts from the storage of waste tires are not considered to have any significant impacts in the areas of release of hazardous substances, potential health hazards or increase fire hazards in areas with flammable brush, grass, or trees.

## ENVIRONMENTAL CHECKLIST ANALYSIS

### REFERENCE ( 2 ) : (continued)

#### IX. HAZARDS (continued)

The unregulated storage of waste tires can result in the harboring and propagation of vectors such as vermin, mosquitoes, and other insects in the tire piles that could cause potential health hazards.

Vector control at this project will be controlled by adherence to state minimum standards for tire storage, compliance with the requirements of Calaveras County Conditional Use Permit 96-15, and compliance with a Vector Control Plan approved by the Calaveras County Environmental Health Department.

As stated in Section V. **AIR QUALITY** (above): "Potential fires in waste tire stockpiles are known to generate volatile organic chemicals such as benzene, toluene, and xylene; as well as polynuclear aromatic hydrocarbons, such as dioxins and dibenzofurans; and carbon monoxide in the smoke plume. Many of these compounds can cause respiratory problems, and some are carcinogenic. Suspended particulate matter (PM<sub>10</sub>) in the smoke can present potential health hazard impacts from tire fires. The deposition of soot and ash from tire fires can also present potential impacts in the release of hazardous substances, and pose health hazards.

As stated above: "Impacts from tires fires are typically the result of accidental or intentional fires at unregulated tire piles that do not have site security and fire prevention plans. Impacts from tire fires are typically exacerbated by the lack or inadequacy of fire prevention and suppression plans, and fire suppression equipment. The lack of limitations on tire pile sizes, and the inadequacy of fire lanes also tend to increase the severity of impacts from tire fires."

This proposed facility will have comprehensive design and operational features that will greatly reduce potential impacts from tire storage and fires. (see CAM Emergency Action Plan, ATTACHMENT E, and the facility Operation Plan).

**Findings:** For the reasons listed above, potential impacts to Hazards as described in Subsections a), c), d), and e) are found to have less than significant impacts.

As stated above: "Impacts from tires fires are typically the result of accidental or intentional fires at unregulated tire piles that do not have site security and fire prevention plans. Impacts from tire fires are typically exacerbated by the lack or inadequacy of fire prevention and suppression plans, and fire suppression equipment. The lack of limitations on tire pile sizes, and the inadequacy of fire lanes also tend to increase the severity of impacts from tire fires."

This proposed facility will have comprehensive design and operational features that will greatly reduce potential impacts from tire storage

## ENVIRONMENTAL CHECKLIST ANALYSIS

### REFERENCE ( 2 ) : (continued)

#### IX. HAZARDS (continued)

and fires (see CAM Emergency Action Plan, ATTACHMENT E, and the facility Operation Plan).

**Findings:** For the reasons listed above, potential impacts to Hazards as described in Subsections a), c), d), and e) are found to have less than significant impacts.

#### X. Noise

##### Subsection a), and b) :

**Evaluation:** Potential noise impacts from the transportation, receipt, processing, and monofilling of shredded waste tires were considered in the 1989 EIR ; the July 1994 Supplement to the 1989 EIR; and the October 1996 Addendum to the 1989 EIR [see **REFERENCE ( 1 )**].

While the volume reduction of whole tires by shredding, chopping, slicing, or other methods is not currently regulated by the CIWMB, and the proposed Major Waste Tire Facility Permit, does not authorize or regulate these activities; this environmental evaluation should consider potential impacts from these activities as part of the whole of the project.

There are plans to reduce the volume of whole tires on-site through the use of a stationary tire shredder, cutter, or slicer. The stationary unit it is expected to be electrically powered, with minimal potential for noise impacts from the electrical motor.

There are no studies available indicating noise impacts from the type of electrical tire shredding machine proposed for this facility. For comparison purposes, a consideration of impacts from a comparable diesel powered tire shredder was used for the evaluation of noise impacts. The noise level for an electrically powered shredder is expected to be considerably less than that generated by a diesel powered shredder.

This diesel powered equipment, according to the experience of CIWMB Tire Section staff and manufacturer's projections generate approximately 85 decibels (dBA) at a distance of 3 feet from the machine. According to the 1989 EIR [see (**REFERENCE ( 1 )**)], the CAM facility is located within a General Industry-Mining Operation zone, and the nearest residences or other sensitive receptors are at least 2 miles away.

The volume reduction equipment is expected to be located just north of tire pile S-1, and is expected to be at least 400 feet from the nearest property line, the CAM western boundary. The adjacent property, to the west, is open land used primarily for cattle grazing

## ENVIRONMENTAL CHECKLIST ANALYSIS

### REFERENCE ( 2 ) : (continued)

#### X. Noise (continued)

Using the sound attenuation formula for distance, found on page 4-20 of the Environmental Impact Analysis Handbook (Rau and Wooten), this would result in sound levels of **42.5 decibels from the shredder at the nearest property line** (see below).

The calculations are:

$$L_{p_2} = L_{p_1} - 20 \log r_2/r_1$$

Where  $L_{p_2}$  = Sound level at  $r_2$  = **42.5 dBA**

$L_{p_1}$  = Sound level at  $r_1$  = **85 dBA**

$r_1$  = distance from source = **3 feet**

$r_2$  = distance to nearest adjacent property = **400 feet**

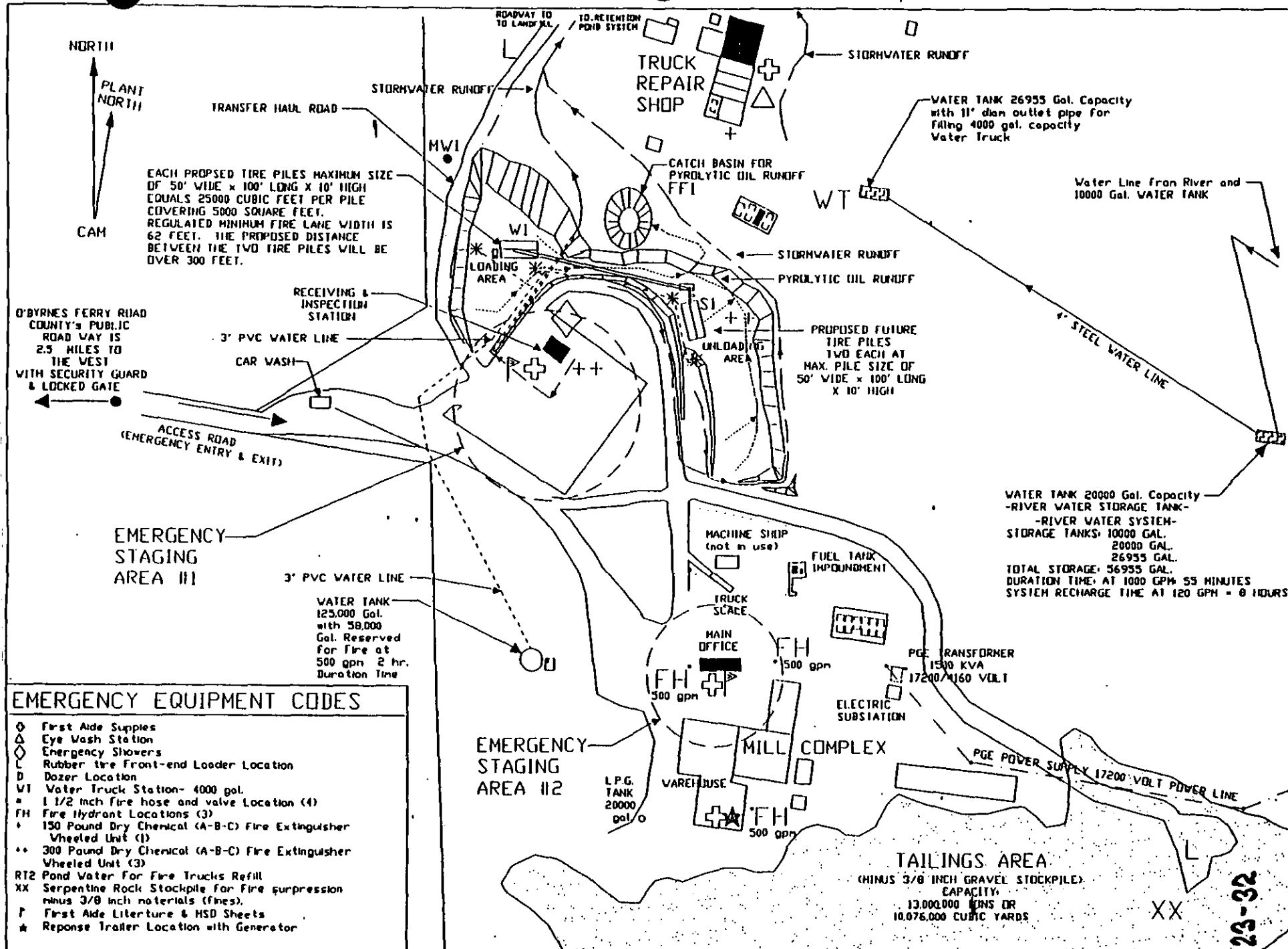
The community noise level standards for the Calaveras County General Plan, as cited in the 1989 Revised Draft EIR (page 70), indicates that the most restrictive Maximum Acceptable Noise Levels is 60 dBA for single family residences. Noise levels generated by the proposed volume reduction processes for this project are not expected to be more than 42.5 dBA for any adjacent land uses near the CAM facility.

The CAM facility is not open to the public, and all facility employees are required to comply with California Occupational Safety and Health Agency standards for hearing protection as cited in CCR, Title 8.

**Findings:** For the reasons noted above, potential impacts to Noise as described in Subsections a), and b) are found to have less than significant impacts.









VERGIL 20,000 L.F.S  
CENNACTOR 50 HP AC

SHAFT RPM: 0 RPM      SHAFT DIA: 9.530      SHAFT ORIENTATION: VERTICAL

CONTRACTS: FULLY WARED TO ACCEPT LINE CORRECTION.

**REAR-DRIVE MOUNTED START/STOP/REVERSE CONTROL BOX.**

**SAFETY: EMERGENCY STOP BUTTONS MOUNTED ON SPLITTER**

CUTTER ROTORS: 10 PER SIAF @ 6" SPACING CUTTER BOX WIDTH: 72"

SIDE KNIFE: 12 PER FOLDER, 1" THICK AISI 3-2 TOOL STEEL.


STAMPABLE WITH SIGNS TO .625" MIN. THICKNESS

**SLIPPERS: FIXED WITH REPLACEABLE WEAR PLATES**

THROUGHPUT: 320 TRUCK TIRES PER HOUR  
1600 PASSENGER TIRES PER HOUR  
MIXED @ 16 TONS PER HOUR



3164 Lounis Road, Stockton, CA 95205  
209--466-1209 Fax 209--465-2012



# California Integrated Waste Management Board

## Board Meeting

November 19, 1997

### AGENDA ITEM 24

#### ITEM:

CONSIDERATION OF THE ISSUANCE OF A NEW MAJOR WASTE TIRE FACILITY PERMIT FOR CALIFORNIA ASBESTOS MONOFILL (CAM), CALAVERAS COUNTY

#### I. SUMMARY

##### Facility Facts

Name: California Asbestos Monofill, Inc.  
Facility No: 05-TI-0726  
Facility Type: Major Waste Tire Facility  
Location: O'Byrnes Ferry Road, Copperopolis  
Proposed Area: 1.5 acres (tire storage)  
Setting: Former asbestos mining operation in Sierra Nevada Mountains  
Operational Status: Proposed (tire storage)  
Proposed Tonnage: 580 tons (whole tire and tire equivalents)  
Capacity: Same as Proposed Tonnage  
Owner/Operator: Joey Toney, California Asbestos Monofill, Inc.  
LEA: Paul Feriani, Calaveras Department of Environmental Health

##### Proposed Project

This item regards the issuance of a Major Waste Tire Facility Permit to authorize California Asbestos Monofill, Incorporated (CAM) to receive, process, and store waste tires at their facility located on O'Byrnes Ferry Road, six miles south of Copperopolis, California.

##### Site History

California Asbestos Monofill, Incorporated is a subsidiary of USA Waste Services, Incorporated. Presently the company is monofilling asbestos-containing waste in an open pit from which asbestos ore was previously mined.

CAM is attempting to obtain a Major Waste Tire Facility Permit in order to receive, process, and store waste tires on the premises. This permit does not address the eventual disposal of altered waste tires in the open pit monofill, ~~only the storage on the premises.~~

### Project Description

CAM is located in the foothills of the Sierra Nevada Mountains in Calaveras County. The company intends to receive, process, and store shredded waste tires on site for subsequent placement in a tire monofill located on the premises; whole waste tires brought to the site will be shredded for storage prior to placement in the monofill. Waste tires will be delivered to the site by registered waste tire haulers representing tire businesses and private trucking companies.

Upon arrival on site, the waste tires will be placed in one of two tire storage units 25' x 100' x 10' prior to disposal in the monofill. Shredded waste tires will be stored in one of the two units, whole waste tires in the other.

### Environmental Controls

**Fire Prevention Measures** – In addition to the fire extinguishers, pike pole, and shovel specified in the regulations, the operator has heavy earth-moving equipment; a 4,000 gallon water truck; three (3) portable, wheeled fire extinguishers; dry chemical fire extinguishers on all rolling stock; a 125,000 gallon storage tank with 58,000 gallons reserved for fire-fighting service; a 120,000 gallon water storage pond; a river water back-up system with a total tank capacity of 57,000 gallons; and 10,000,000 cubic yards of gravel for fire suppression.

In a letter to CAM dated June 3, 1997, the Copperopolis Fire Department supported the fire safety requirements set forth in the Conditional Use Permit (96-15) approved by Calaveras County on February 22, 1997. Once waste tires begin arriving on site, the Fire Department requires CAM to implement the Emergency Action Plan along with the Fire Protection and Monitoring Plan.

**Vector Control Measures** - In a letter to CAM dated June 3, 1997, the Calaveras County Department of Environmental Health required the following conditions for the storage of waste tires:

- 1) Tire storage on site must meet current Minimum Standards for Solid Waste Handling and Disposal of waste tires (14 CCR, Division 7, Chapter 3, Article 5.5).
- 2) The facility must operate in accordance with the requirements set forth in Calaveras County Conditional Use Permit 96-15.
- 3) The area where whole tires are to be stored must be properly drained to prevent the ponding of water.
- 4) All tires must be shredded within 90 days after arrival on site.
- 5) The Health Department or their duly appointed agents will have access to the property for vector control inspection.

- 6) If mosquito breeding is observed, the operator must immediately abate the condition as required by the Health Department or its duly appointed agents.

**Facility Access and Site Security** – The site has perimeter fencing on the north and west boundaries; a natural barrier (river canyon) provides security on the south and east boundaries. A locked gate with an attendant present 24 hours a day, seven days a week, provides security on the access road to the site.

**Storage of Waste Tires** - The configuration of the two waste tire storage units conform to the requirements contained in the Waste Tire Storage and Disposal Standards contained in Article 5.5, Chapter 3, Division 7, Title 14 of the California Code of Regulations.

## **II. PREVIOUS (BOARD OR COMMITTEE) ACTION**

At the time this item was prepared, the Permitting and Enforcement Committee had not met.

## **III. STAFF RECOMMENDATION**

The Major Waste Tire Facility Permit application for California Asbestos Monofill (CAM), Facility Number 05-TI-0726, has been deemed complete. A pre-permit inspection was conducted on October 27, 1997, and the design and proposed operational procedures for CAM comply with the Waste Tire Storage and Disposal Standards contained in Article 5.5 of the State Minimum Standards for Solid Waste Handling and Disposal.

Staff recommends that the Board adopt Permit Decision No. 97-506 approving the issuance of Major Waste Tire Facility Permit No. 05-TI-0726.

## **IV. ANALYSIS**

### Requirements for Issuance of a Major Waste Tire Facility Permit

The applicant originally submitted an application for a new Major Waste Tire Facility Permit to the Board on September 17, 1997, in accordance with California Code of Regulations Section 18423(a). Additional information was required prior to deeming the application complete. The additional information was submitted on October 10, 1997, and the application was deemed complete on October 16, 1997. The Board has 180 days (January 4, 1998) to approve or deny the permit.

Staff have reviewed the application and supporting documentation and found that the application is in compliance with Chapter 6 of Title 14 of the California Code of Regulations. In making this determination the following items were considered:

1. California Environmental Quality Act (CEQA)

State law requires the preparation and certification of an environmental document whenever a project requires discretionary approval by a public agency unless the project is for the permitting of an existing waste tire facility which complies with Public

Resources Code Section 42812.

On October 16, 1997, the California Integrated Waste Management Board filed with the State Clearinghouse an Initial Study and Proposed Negative Declaration to Responsible Agencies and other interested parties. The comment period will end November 17, 1997. The Negative Declaration with responses to comment will be presented to the Board for Approval at its meeting of November 19, 1997.

2. Consistency with State Minimum Standards

CIWMB staff and the Calaveras County LEA conducted a pre-permit inspection on Monday, October 27, 1997, and determined the facility's design and proposed operation procedures are in compliance with the Waste Tire Storage and Disposal Standards.

3. Emergency Response Plan

The Emergency Response Plan submitted by the applicant has been reviewed by staff and determined to meet CIWMB requirements.

4. Closure Plan

The Closure Plan submitted by the operator has been reviewed by staff and determined to meet the Major Waste Tire Facility Permitting requirements. There is no anticipated closure date for this facility; however, the operator has provided an estimated cost for the removal and disposal of the waste tires by a third party; the estimate has been approved by Board staff.

5. Financial Assurance

Closure:

Title 14, California Code of Regulations, Division 7, Chapter 6, Article 9, "Financial Assurance Requirements for Closure of a Major Waste Tire Facility" requires operators of major waste tire facilities to demonstrate adequate financial ability to conduct closure activities. The financial assurance demonstration presented to the Board for this facility is a Letter of Credit. The Letter of Credit assures adequate coverage for the closure costs if the operator fails to close the facility when required. Staff has determined that the closure costs estimated in the Closure Plan section of the Major Waste Tire Facility Permit application are accurate and the Letter of Credit is sufficient to cover those costs. The Letter of Credit, therefore, complies with the regulatory requirements.

Operating Liability:

Title 14, California Code of Regulations, Division 7, Chapter 6, Article 10, "Financial Responsibility for Operating Liability Claims for Major Waste Tire Facilities" requires operators of major waste tire facilities to demonstrate adequate financial ability to compensate third parties for bodily injury or property damage caused by facility

operation. The financial responsibility demonstration presented for this facility is a Certificate of Liability Insurance.

The Financial Assurances posted by CAM meet the Major Waste Tire Facility Permitting requirements.

6. Reduction/Elimination Plan

The applicant was not required to submit a Reduction/Elimination Plan, as the Closure Plan adequately addressed the shredding and removing of waste tires to a solid waste disposal facility.

V. ATTACHMENTS

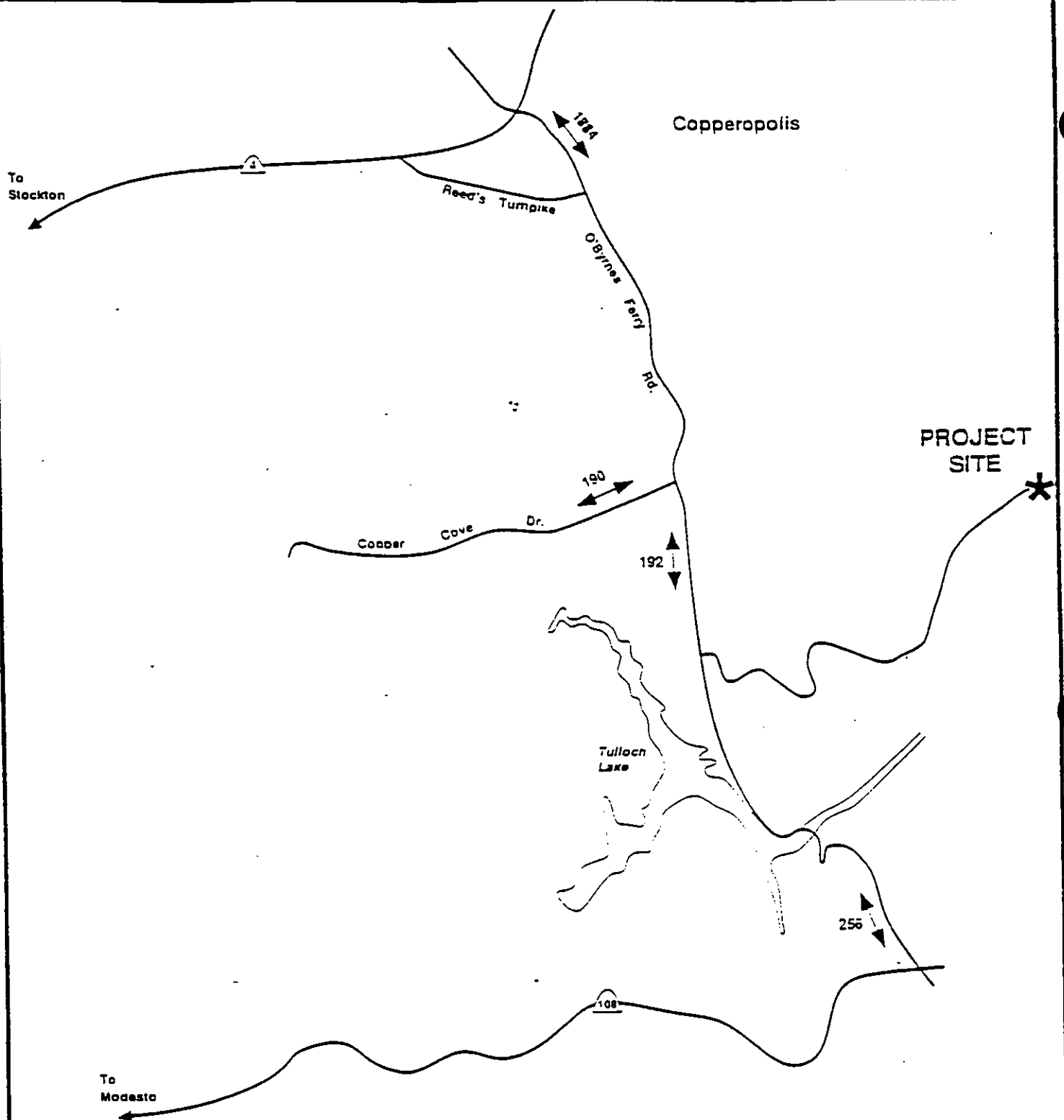
1. Vicinity Map
2. Site Map
3. Permit No. 05-TI-0726
4. Permit Decision 97-506

VI. APPROVALS

Prepared By:	Michael Keffer <u>mk</u>	Phone:	<u>255-2123</u>
Prepared By:	Garth Adams <u>GA</u>	Phone:	<u>255-0904</u>
Reviewed By:	Don Dier, Jr. <u>DD 10/24/97</u>	Phone:	<u>255-2453</u>
Reviewed By:	Dorothy Rice <u>D. Rice</u>	Phone:	255-2431
Legal Review:	<u>Anthony J. Johnson</u>	Date/Time:	<u>10/31/97</u>







As recorded by Calaveras County during the period of 3/89 - 6/89, and Tuolumne County in June 1990.  
Peak hour is generally on the week-end in the afternoon (an hour between 12:00 pm and 6:00 pm).

SOURCE: Calaveras Country Club  
Specific Plan EIR, June 1993.



### EXISTING ROADWAY VOLUMES NOON PEAK HOUR (1989-1990)

24-7

FIGURE 5.5-2

# WASTE TIRE FACILITY PERMIT

1. Facility/Permit Number:

05-TI-0726

2. Name and Street Address of Facility:

California Asbestos Monofill  
O'Byrne Ferry Road  
Copperopolis, CA 95223

3. Name and Mailing Address of Operator:

California Asbestos Monofill  
O'Byrne Road  
Copperopolis, CA 95223

4. Name and Mailing Address of Owner:

United Waste Services, Inc.  
1001 Fannin, Suite 4000  
Houston, TX 77002

## 5. Specifications:

a. Permit Type:

☒ Major Waste Tire Facility☐ Minor Waste Tire Facility

b. Permit Action:

☒ New Permit☐ Five (5) Year Permit Renewal☐ Permit Modification☐ Permit Revision

c. Facility Status:

☐ Existing☒ Proposed

d. Permitted Capacity:

46,300

Sum of Whole Waste Tires and Tire Equivalents Stored at any Time.

e. Permitted Storage Area (acres):

1.5 acres

This permit is granted solely to the operator named above, and is not transferable. Upon a change of operator or owner, this permit is no longer valid. Further, upon a significant change in design or operation from that described herein, this permit is subject to revocation or suspension. The attached permit findings and conditions are integral parts of this permit and supersede the conditions of any previously issued waste tire facility permits.

## 6. Approval:

Authorized Officer of CIWMB

Name

Title

## 7. Enforcement Agency Name and Address:

California Integrated Waste Management Board  
8800 Cal Center Drive  
Sacramento, CA 95826

## Frequency of Inspection by Enforcement Agency:

Annually

## 8. Date Application Received:

October 10, 1997

## 9. Date Application Deemed complete:

October 16, 1997

## 10. Permit Issued Date:

## 11. Permit Application Renewal due Date:

## 12. Expiration Date:

24-8

# WASTE TIRE FACILITY PERMIT

Facility/Permit Number:

05-TI-0726

## 13. Legal Description of Facility:

Latitude 37 57'0"N Longitude 120° 32'30"W

Sections 16 & 22, Township 01N, Range 13E

## 14. Findings:

- a. This permit is consistent with standards adopted by the California Integrated Waste Management Board (CIWMB).
- b. The design and operation of the facility is in compliance with the Waste Tire Storage and Disposal Standards applicable to waste tire facilities.
- c. This facility has complied with Public Resources Code Sections 21000 et. seq. and California Code of Regulations Sections 15000 et. seq. The CIWMB prepared an Initial Study and Proposed Negative Declaration for waste tire storage at California Asbestos Monofill. The environmental documentation is appropriate for the Board's consideration.

## 15. The following documents also describe and/or restrict the operation of this facility:

	Date		Date
<input checked="" type="checkbox"/> Application for Waste Tire Facility Permit	10/10/97	<input type="checkbox"/> Contract	
<input checked="" type="checkbox"/> Land Use Permits and Conditional Use Permits	02/22/97	<input checked="" type="checkbox"/> Operation Plan	10/10/97
<input type="checkbox"/> Air Pollution Permits and Variances		<input type="checkbox"/> Local & County Ordinances	
<input checked="" type="checkbox"/> EIR or Negative Declaration		<input checked="" type="checkbox"/> Environmental Information Form	10/10/97
<input type="checkbox"/> Lease Agreements - owner and operator		<input checked="" type="checkbox"/> Emergency Response Plan	10/10/97
<input checked="" type="checkbox"/> Closure Plan	10/10/97	<input checked="" type="checkbox"/> Reduction/Elimination Plan	5/20/97
<input checked="" type="checkbox"/> Closure Financial Responsibility Document	5/20/97	<input checked="" type="checkbox"/> Operating Liability Document	10/10/97
<input checked="" type="checkbox"/> Local Fire Authority Agreement	06/03/97	<input type="checkbox"/> Other (list):	
<input checked="" type="checkbox"/> Vector Control Agreement	06/03/97		

## 16. Conditions:

1. The design and operation of the facility shall comply with the Waste Tire Storage and Disposal Standards contained in Article 5.5 of the State Minimum Standards for Solid Waste Handling and Disposal. The operator shall also comply with all of the permitting requirements in Title 14 CCR, Division 7, Chapter 6, entitled "Permitting of Waste Tire Facilities."
2. In the event of a fire or other emergency that may have potential significant off-site effects, the operator shall notify the Board within 24 hours of the onset of the emergency.
3. Upon presentation of proper credentials, the Local Enforcement Agency, Board staff, or an authorized agent of the Board, shall be allowed to enter the permitted facility during normal working hours to examine and copy books, papers, records, or memorandum and to conduct inspections and investigations pertaining to the facility.

24-9

# WASTE TIRE FACILITY PERMIT

Facility/Permit Number:

05-TI-0726

16. Conditions: (continued)

4. A copy of the current permit shall be made available upon request to the Board or an authorized employee or agent of the Board during an inspection of the facility.
5. The operator shall maintain a copy of the approved Emergency Response Plan at the facility. At the time of permit issuance the operator shall forward a copy of the approved Emergency Response Plan to the local fire authority. The Emergency Response Plan shall be revised as necessary to reflect any changes in the operations of the waste tire facility or requirements of the local fire authority. The local fire authority and the Board shall be notified of any changes to the plan within 30 day of the revision.
6. All federal, state, and local permits or approvals referenced in this permit shall be maintained in force during the term of the permit. In the event any permit or approval is modified, is suspended or revoked, or expires during the term of the permit, the operator shall notify the Board within 30 days of the change and include copies of any renewed or modified permits or approvals.
7. The operator shall submit an updated Closure Plan (Part B), Form CIWMB 504 (10/92) as specified in Title 14 CCR, Chapter 6, Section 18442 of the Waste Tire Facility Regulations, at least 120 days prior to the anticipated closure of the site.
8. The operator shall file amendments to the Operation Plan whenever necessary to keep the information contained in it current.
9. This permit does not release the operator from their responsibility under any other existing laws, ordinances, regulations, or statutes of other government agencies.
10. The terms and conditions of this permit may change as a result of a revision of the statute or regulations.
11. The operator shall comply with Title 14 CCR, Division 7, Chapter 3, sections 17354(a)-(b), of the Waste Tire Facility Regulations regarding dimensions and spacing of stockpiles or with particular requirements the local fire authority determines to be necessary or adequate to meet the intent of the regulations.

24-10

## CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

### Resolution 97-506

#### CONSIDERATION OF THE ISSUANCE OF A NEW MAJOR WASTE TIRE FACILITY PERMIT FOR CALIFORNIA ASBESTOS MONOFILL, CALAVERAS COUNTY

**WHEREAS**, California Asbestos Monofill, Calaveras County, has submitted to the Board an application for a new Major Waste Tire Facility Permit; and

**WHEREAS**, Board staff have reviewed the application and inspected the facility for consistency with the standards adopted by the Board and has proposed a major waste tire facility permit for consideration by the Board; and

**WHEREAS**, the Board, the lead agency for CEQA, prepared a Negative Declaration; and determined the proposed project will have no significant effect on the environment; and the lead agency approved the Negative Declaration on November 19, 1997; and

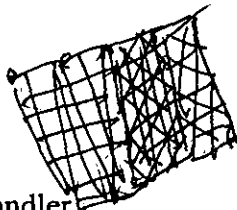
**WHEREAS**, the Board finds that all state and local requirements for the proposed permit have been met.

**NOW, THEREFORE, BE IT RESOLVED** that the California Integrated Waste Management Board approved the issuance of Major Waste Tire Facility Permit No. 05-TI-0726.

### CERTIFICATION

The undersigned Executive Director, or his designee, of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on November 19, 1997.

Dated:



Ralph E. Chandler

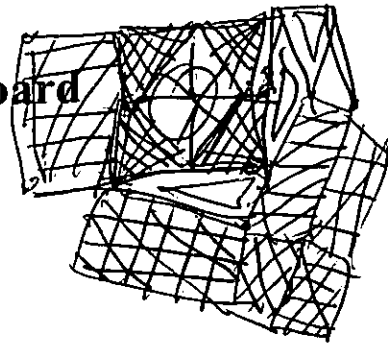
Executive Director

# California Integrated Waste Management Board

Board Meeting

November 19, 1997

AGENDA ITEM 25



## ITEM:

CONSIDERATION OF TEMPORARY CERTIFICATION AND DESIGNATION OF THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT AS THE LOCAL ENFORCEMENT AGENCY FOR THE CITY OF SAN DIEGO

### I. SUMMARY

The City of San Diego recently withdrew the designation of the County of San Diego Department of Environmental Health as the Local Enforcement Agency (LEA) for the City. The City designated the Development Services Department as the LEA for the City of San Diego.

This item is for the Board to consider certification of the new city LEA.

Title 14 CCR, Section 18076 (c) allows the Board to issue temporary LEA certification for specific time periods. Due to the fact the City of San Diego has no prior experience in performing LEA inspection/enforcement duties, Board staff are recommending the option of issuing temporary certification and/or designation approval for a specified time period.

### II. PREVIOUS COMMITTEE ACTION

As of this writing, the item had not yet gone before the committee.

### III. OPTIONS FOR THE BOARD

1. Approve the EPP, approve the designation, and issue temporary certification for the jurisdiction until six months after the hiring of permanent staff.
2. Disapprove the EPP and/or not issue the requested certification and therefore, disapprove the designation and have the Board serve as the enforcement agency for the jurisdiction.
3. Take no action. This option provides for no enforcement agency designation. The Board would be required to perform the enforcement agency duties within the jurisdiction.

### IV. STAFF RECOMMENDATION

1. Approve the EPP, approve the designation, and issue temporary certification for the jurisdiction

## V. ANALYSIS

### Background:

The Public Resources Code allows local governing bodies to designate an enforcement agency to carry out solid waste permitting, inspection and enforcement duties in their jurisdiction.

Regulations require a designated local agency to develop, submit for Board approval, and adopt an Enforcement Program Plan (EPP) pursuant to statute. The EPP shall embody the designation and certification requirements and demonstrate that the LEA meets all the requirements for the requested certifications. Public Resources Code (PRC) Section 43204 states: "No enforcement agency may exercise the powers and duties of an enforcement agency until the designation is approved by the board. After August 1, 1992, the Board shall not approve a designation unless it finds that the designated enforcement agency is capable of fulfilling its responsibilities under the enforcement program and meets the certification requirements adopted by the Board pursuant to PRC Section 43200."

For a local agency to be certified by the Board, the enforcement agency must meet the following minimum requirements and regulation:

1 of statute

1. Technical Expertise
2. Adequate staff resources
3. Adequate budget resources
4. Adequate training
5. The existence of at least one permitted solid waste facility within the jurisdiction of the local agency.
6. No operational involvement in any of the types of facilities or sites it permits, inspects, or enforces.
7. A sole enforcement agency per LEA jurisdiction.

The Board, after approval of the EPP, may issue certifications to the designated enforcement agency per Title 14 California Code of Regulations (14 CCR) Section 18071 for one or more of the following types of duties and responsibilities:

"A": Permitting, inspection and enforcement of regulations at solid waste disposal sites

"B": Permitting, inspection and enforcement of regulations at solid waste transformation facilities

"C": Permitting, inspection and enforcement of regulations at solid waste transfer and processing stations, materials recovery facilities, and composting facilities

"D": Inspections and enforcement of litter, odor, and nuisance regulations at solid waste landfills

The City of San Diego withdrew the designation of the County of San Diego Department of Environmental Health as the Local Enforcement Agency (LEA) for the City on July 29, 1997 and designated the Development Services Department as the LEA for the City of San Diego. Board staff was provided notice of this action by letter and a copy of the resolution on August 20, 1997. The local governing body is required to provide notice of withdrawal 90 days prior to the effective date of the withdrawal of designation. The effective date of designation has been established as November 18, 1997. The City of San Diego submitted a Designation Information Package (DIP) and EPP on October 15, 1997.



Board staff has reviewed the DIP requesting approval of the designation of the City of San Diego Development Services Department as the enforcement agency for the City of San Diego. The documentation provided is currently being revised by the City to meet the requirements of statute and regulation.

**Key Issues:**

The City of San Diego contains 1,197,077 people, or 44% of the county population. Within the City limits are 64 facilities and sites. The LEA staff will consist of one program manager, one inspector and one civil engineer.

The City of San Diego proposes to utilize under contract, a program manager and various LEA staff from various certified LEA jurisdictions until July 1, 1997. The City intends to hire a program manager by January 1998 and fill the inspector and engineer positions by July 1998. The City has fully committed to assuming and performing all duties and responsibilities of a certified LEA on November 19, 1997 as communicated in a letter from Coleman Conrad, City Manager to Dorothy Rice, Permitting and Enforcement Deputy Director, dated October 16, 1997.

**VI. ATTACHMENTS**

1. CIWMB resolution #97-508.

**VII. APPROVALS**

Prepared By:	Christine McCracken <i>CM</i>	Phone:	255-0905
Reviewed By:	Mary Coyle <i>mc</i>	Phone:	255-4175
Reviewed By:	H. Thomas Unsell <i>HTU</i>	Phone:	255-2298
Reviewed By:	Dorothy Rice <i>D. Rice</i>	Phone:	255-2431
Legal Review:	<i>Kathryn J. Tobias</i>	Date/Time:	<i>10/31/97</i>

**CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**

( Resolution 97-508 )

**CONSIDERATION OF TEMPORARY CERTIFICATION AND DESIGNATION OF  
THE CITY OF SAN DIEGO AS THE LOCAL ENFORCEMENT AGENCY FOR THE  
CITY OF SAN DIEGO**

Resolution approving the Enforcement Program Plan, approving the designation and issuing temporary certification of the City of San Diego Development Services Department as the Local Enforcement Agency for the City of San Diego.

**WHEREAS**, regulations require a designated local agency to develop, submit for Board approval, and adopt an Enforcement Program Plan (EPP) pursuant to statute; and

**WHEREAS**, the California Integrated Waste Management Board has received on October 15, 1997 and reviewed the Designation Information Package and Enforcement Program Plan for the City of San Diego; and

**WHEREAS**, the Board finds that the above designated enforcement agency has demonstrated via its Enforcement Program Plan that it meets the requirements of Public Resources Code Section 43000, et seq.; and Title 14 California Code of Regulations Section 18010 et seq.; and


**WHEREAS**, the Board finds that the above designated enforcement agency has also demonstrated via its Enforcement Program Plan that it has adequate staff, budget, technical expertise and training; and

**WHEREAS**, the Enforcement Program Plan of the City of San Diego Development Services Department requests the Board approve the Enforcement Program Plan and issue certification types "A", "B", "C", and "D" to the designated local agency pursuant to Title 14 California Code of Regulations Section 18071; and

**WHEREAS**, the City of San Diego Development Services Department has adopted its Enforcement Program Plan pursuant to Public Resources Code 43209; and

**WHEREAS**, the City of San Diego Development Services Department has no previous experience performing LEA duties and needs to demonstrate their capability and experience in implementing their LEA permitting, inspection, and enforcement programs;

**NOW, THEREFORE, BE IT RESOLVED**, the California Integrated Waste Management Board pursuant to Public Resources Code Division 30, Part 4, Chapter 2, Article 1, approves the Enforcement Program Plan and designation and issues temporary certification for types "A", "B", "C", and "D" to the City of San Diego Development Services Department as the Local Enforcement Agency for the City of San Diego.

 *periodic reports to committee by staff*

**NOW, THEREFORE, BE IT RESOLVED** the California Integrated Waste Management Board pursuant to Public Resources Code Division 30, Part 4, Chapter 2, Article 1, approves the Enforcement Program Plan and designation and issues temporary certification for types "A", "B", "C", and "D" to the City of San Diego Development Services Department as the Local Enforcement Agency for the City of San Diego.

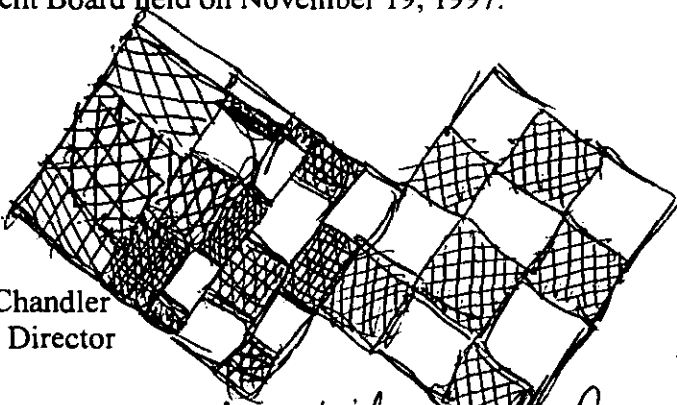
**BE IT FURTHER RESOLVED**, that the City of San Diego Development Services Department shall be issued temporary certification until approximately six months after the hiring of permanent LEA staff and confirmation of compliance with Title 14 California Code of Regulations, Chapter 5, Article 2.2.

#### CERTIFICATION

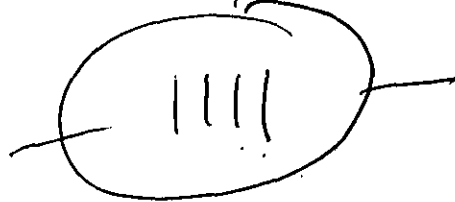
The undersigned Executive Director, or his designee, of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on November 19, 1997.

Dated:

Ralph E. Chandler  
Executive Director



*2. County LEA did a good job -*



*11*

*substitute motion -*

*disapprove desig. / we serve  
as LEA until City has  
full-time staff. we did  
Contract with the county*

FAX TO: 916-255-2228 Chairman Pennington's Office FAXED AT 8:15a.m.  
PLEASE COPY AND DISTRIBUTE TO ALL BOARD MEMBERS.

FROM: Eric Sunswheat, 707-466-6548  
California Health Security Catalyst  
Humus Third Compost Issues (draft) Newsletter  
Box 363, Potter Valley, CA 95469-0363

California Integrated Waste Management Board  
Board Meeting, November 19, 1997  
Agenda Item: 26

TO: Daniel G. Pennington, Chairman  
California Integrated Waste Management Board, Sacramento

ITEM: CONSIDERATION OF LEGAL AUTHORITY ISSUES, AND STAFF OPTIONS RELATING  
TO "CONSTRUCTION, DEMOLITION, AND INERT" TIER REGULATIONS

REQUEST: REMOVE AGENDA ITEM FROM THE CONSENT CALENDAR FOR DISCUSSION AT THIS  
BOARD MEETING, AND TO REDIRECT AGENDA ITEM TO STAFF FOR FURTHER ANALYSIS  
BEFORE APPROVAL; AND OR

FURTHERMORE: BECAUSE OF THE CONTROVERSIAL LEGAL AUTHORITY ANALYSIS IN THIS  
AGENDA ITEM STAFF REPORT, INCLUDE THIS LETTER AS AN ATTACHMENT IN THE C.G.D.  
STATUS REPORT ON OR BEFORE APRIL 1, 1998, TO THE CHAIRPERSON OF THE JOINT  
LEGISLATIVE BUDGET COMMITTEE AND THE CHAIRPERSONS OF THE FISCAL COMMITTEES  
IN EACH HOUSE OF THE LEGISLATURE, TO BE DONE IN ORDER THAT THE I.W.M.B. MAY  
COLLECT THE ADDITIONAL SUM OF \$250,000 IN ITEM 3910-001-0387 OF THE 1997-1998  
BUDGET BILL; AND OR

ASSIST: IN THE INVESTIGATION, REFERRAL, AND POSSIBLE FILING OF AN  
ADMINISTRATIVE COMPLAINT OR LETTER AGAINST THE DEPARTMENT OF TOXICS SUBSTANCES  
CONTROL, FOR NOT SAMPLING AND TESTING "WASTE REGARDLESS OF HANDLING, SOURCE,  
OR GENERATOR." (AGENDA ITEM PAGE 26-5); OR?

Dear Chairman Pennington,

November 19, 1997

Based on the Agenda Item staff report page 26-5, I have a question as to  
accuracy of the analysis and the operations of the Department of Toxics  
Substances Control, and the perception and reliance of the Board and State  
on the mandate and activities of DTSC at proposed or operational Solid Waste  
Facilities and excluded operations.

The agenda item staff report page 26-5 under:  
C. Focus of the Legal Authority Analysis states in brief:

"First, the CIWMB regulates operations and facilities, not "solid  
waste."" ... "This is in contrast to an agency like the Department of Toxic  
Substances Control, which regulates hazardous waste regardless (emphasis  
added) of handling, source, or generator."

"Second, even if an operation is within the CIWMB's general  
jurisdiction... the CIWMB may chose not to regulate it actively." The "CIWMB  
must evaluate 1) the potential risks to the public health and safety, and  
the environment; and, 2) the regulatory controls exercised by other (emphasis-  
added) agencies."

#HU3/QHSC.11/19/97#.Page 1 of 2.

Specifically, what has triggered my comments is an anonymous complaint, resulting in an official inspection report released by the Department of Toxics Substances Control in Berkeley on the proposed Cold Creek Compost solid waste facility in Potter Valley, operating with questionable claims and performance standards for sustainable agriculture, in litigation and alleged collusion with Mendocino County government without CEQA compliance.

The Department of Toxics Substances Control document surfaced in the Mendocino County courthouse CEQA lawsuit file, even after the judge refused to consider any additional information. The DTSC reported that no violations were found with the solid waste composting activity and Masonite incinerator ash stockpiled on site at the Guntly Ranch.

Surprisingly in a glaring chronology, the Department inspectors did not procure any on site samples of Masonite ash at Cold Creek Compost. Instead after the fact, an inspector communicated with management at International Paper's Masonite Division in Ukiah, to ship representative samples for testing. Subsequently another request was made for a wet ash sample that was not supplied with the first batch tested.

Masonite is known in the Ukiah Valley as an alleged disreputable corporation that will not release years worth of data to the public as to what quantities of what fuel is burned when. This past Summer, Masonite was required by law to hold a Public Hearing to confess to past activities of prolonged gross air pollution that posed a significant, confirmed health risk to the lungs and lives of thousands, including many compromised patients who migrated out of the region.

The Department of Toxic Substances Control can be reached by fax at (510)540-3891 or phone at (510)540-3739. DTSC's Luis Castillo is at (510)540-3869.

Thank you for clarifying this matter to ensure that the environment is protected with proper monitoring and enhanced without regulatory gaps.

Sincerely,



Eric Sunswheat

copy:

Department of Toxics Substances Control att: Duty Officer Valdez  
Mendocino County Environmental Health att: Dave Koppel  
Virginia Strom-Martin, Chair, California State Assembly Select Committee  
on Rural Economic Development att: Committee Staff, Peter Cooley  
Mendocino Environmental Center att: Lynda McClure



# California Integrated Waste Management Board

## California Integrated Waste Management Board

November 19, 1997

### AGENDA ITEM 26

#### ITEM:

CONSIDERATION OF LEGAL AUTHORITY ISSUES, AND STAFF OPTIONS RELATING TO THE "CONSTRUCTION, DEMOLITION AND INERT" TIER REGULATIONS

#### I. SUMMARY

The purpose of this item is to bring forward for consideration by the Permitting and Enforcement Committee (Committee) an analysis of the CIWMB's legal authority to regulate Construction and Demolition and Inert Debris operations and facilities. Diversion of this portion of the waste stream is essential to the state in meeting the 50% diversion requirements. Therefore, it is important to provide a clear legal framework as the basis for this project. There remains much uncertainty about the regulation of this wastestream. This agenda item intends to initiate a focused and clarifying process by setting forth the legal framework for determining the appropriate level of regulation and identifying some of the key issues involved.

Historically, California Integrated Waste Management Board (CIWMB) regulation of solid waste had been designed specifically for landfills and transfer stations. These regulations were not readily applicable to nontraditional operations, which dealt with waste derived material other than municipal solid waste (MSW). Applying CIWMB regulations to these nontraditional operations resulted in confusion among the regulated community and Local Enforcement Agencies (LEA), creating uneven application of statutory and regulatory requirements throughout the state. Additionally, the "one-size-fits-all" permit did not provide the flexibility needed by the CIWMB and LEAs to oversee nontraditional solid waste operations.

In April 1994, the Committee directed staff to further develop a concept proposing a tiered permitting structure for all solid waste operations. Draft regulatory tier regulations were developed and distributed during an informal public review period. The draft regulations were revised based on comments received and distributed as part of the formal public rulemaking. The CIWMB adopted the regulatory tier regulations at its November 16, 1994, general business meeting. The Office of Administrative Law approved the regulatory tier regulations on March 1, 1995.

These regulations established a new, flexible framework of regulatory oversight by the CIWMB for a wide range of solid waste operations and facilities. The level of regulatory oversight can be set to be commensurate with the potential impact that the operation/facility might pose to public health, safety, and the environment. These regulations did not place any solid waste operation/facility into a particular tier.

At its March 29, 1995 general business meeting, the CIWMB approved a process for determining CIWMB legal authority and a general methodology for determining placement of those operations where the CIWMB has authority. The process for determining CIWMB authority has been used as the first step in the process of drafting tier regulations for a number of types of operations and facilities since that time. So far, the following tier regulations have been adopted:

<u>Regulatory Package</u>	<u>Effective Date of Regulations</u>
Composting	7/30/95
Nonhazardous Contaminated Soil	4/24/96
Limited Volume Transfer	10/11/96
Chipping/Grinding & Storage of Organics (Emergency)	4/7/97
Nonhazardous Ash	9/26/97
Chipping/Grinding & Storage of Organics (Permanent)	Pending

The CIWMB has also adopted a schedule for considering other tier regulations as follows:

<u>Regulatory Package</u>	<u>Proposed Effective Date</u>
MRF's, Transfer/Processing, "Two-Part Test"	October 1998
Organics	October 1998
Construction/Demolition/Inerts	October 1998
Biosolids	July 1999

## **II. PREVIOUS BOARD OR COMMITTEE ACTION**

The Permitting and Enforcement Committee heard this item at its November 5, 1997 meeting. The Committee voted 3-0 to approve the staff recommendation described below and placed this item on the Board's consent calendar.

### III. OPTIONS FOR THE BOARD OR COMMITTEE

Board members may decide to:

1. Confirm the analysis of the CIWMB's general legal authority to regulate construction and demolition and inert debris and provide direction to staff on one or more of the issues identified below regarding the appropriate approach to apply that authority based on information provided by CIWMB staff and the public at the November Permitting and Enforcement Committee meeting.
2. Confirm the analysis of the CIWMB's general legal authority to regulate construction and demolition and inert debris and direct staff to seek additional input regarding the issues identified below regarding the appropriate approach to apply that authority during the development of draft regulations.

### IV. STAFF RECOMMENDATION

The analysis of the CIWMB's legal authority is consistent with previous CIWMB determinations regarding the scope of its jurisdiction. Staff recommend that the Board choose option 2 and make the following determinations regarding CIWMB authority to regulate construction and demolition and inert debris operations handling:

1. The CIWMB has authority to regulate construction and demolition and inert debris that is disposed.
2. The CIWMB has authority to regulate construction and demolition and inert debris that is handled at a transfer and/or processing station.
3. The CIWMB has authority to regulate the storage of construction and demolition and inert debris.
4. The CIWMB would not have jurisdiction over manufacturing operations that use construction and demolition and inert debris as a feedstock.
5. The CIWMB would not have jurisdiction over the recycling of construction and demolition and inert debris.
6. The CIWMB would not have jurisdiction over "other productive reuses" of construction and demolition and inert debris.
7. The CIWMB would not have jurisdiction over the use of construction and demolition and inert debris for mine reclamation.

In addition, as will be described below, a number of issues were raised during informal workshops regarding the appropriate application of CIWMB jurisdiction. It is believed that these issues will engender additional discussion and public input. That input should be useful in determining the appropriate application of the CIWMB's authority. At the present time, these issues have not been sufficiently developed and staff would like an opportunity to solicit further input before making recommendations on these issues to the Board.



## V. ANALYSIS

### A. Statutory and Regulatory Definitions

For the purposes of the analysis in this agenda item, the following existing regulatory definitions will be used:

Construction and Demolition Wastes are defined in Title 27 California Code of Regulations (CCR) section 20164 as:

“...the waste building materials, packaging and rubble resulting from construction, remodeling, repair and demolition operations on pavements, houses, commercial buildings and other structures.”

Inert Waste is defined in 27 CCR section 20230(a) as:

“... that subset of solid waste that does not contain hazardous waste or soluble pollutants at concentrations in excess of applicable water quality objectives, and does not contain significant quantities of decomposable waste.”

Both of these categories of wastes fit within the broad definition of solid waste contained in Public Resources Code (PRC) section 40191(a):

“...all putrescible and nonputrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles ... and other discarded solid and semisolid wastes.”

### B. Purpose of the Rulemaking Package

While they are included in the broad definition of solid waste, construction, demolition and inert debris do not fit within the “traditional” category of municipal solid wastes and there has been uncertainty over how existing statutes and regulations should be applied to them. Therefore, these wastes were originally included in the “nontraditional” wastes that were to be examined for placement within regulatory tiers.

In addition to this initial reason for examining these wastes a second reason has been added. Item 3910-001-0387 of the 1997-1998 Budget Bill includes the following provision:

“6. In addition to the funds appropriated by this item, the sum of \$250,000 is appropriated to the Integrated Waste Management Board once the board provides a status report on the adoption of tiered regulations establishing state minimum standards for the regulation of facilities and operations that handle construction or demolition debris, including proposed regulations for those facilities and

operations, to the Chairperson of the joint Legislative Budget Committee and the chairpersons of the fiscal committees in each house of the Legislature on or before April 1, 1998."

### C. Focus of the Legal Authority Analysis

In reviewing the analysis below, it is important to keep two things in mind.

**First, the CIWMB regulates operations and facilities, not "solid waste."** Previously, the CIWMB determined that the appropriate starting point for the analysis of CIWMB authority to regulate material that is potentially recyclable is an analysis of whether or not the operation handling this material is within the CIWMB's jurisdiction. The CIWMB does not regulate solid waste per se, but rather regulates operations that handle solid waste. This is in contrast to an agency like the Department of Toxic Substances Control, which regulates hazardous waste regardless of handling, source, or generator. In a very practical sense, defining whether any particular material is a "solid waste" in the abstract is often irrelevant for determining CIWMB jurisdiction over a particular operation. The relevant issue is what is being done with the material.

**Second, even if an operation is within the CIWMB's general jurisdiction, the CIWMB must evaluate where that type of operation should be placed within the regulatory tiers. In doing so, the CIWMB may choose not to regulate it actively, by placing it in the Excluded tier.** The CIWMB's general jurisdiction is very broadly stated in statute and potentially includes a number of activities that might not require active regulation or which may already be adequately regulated by other federal, state, or local agencies. Thus, the CIWMB must evaluate 1) the potential risks to the public health and safety, and the environment; and, 2) the regulatory controls exercised by other agencies. Using this analysis, the CIWMB decided to place "backyard composting" in the excluded tier because even though it involves composting, it was clear that it would be inappropriate to subject this activity to the CIWMB's regulations based on the minimal potential risks that it posed to the public health and safety, and the environment. Likewise, in the nonhazardous contaminated soil regulations, the CIWMB placed the transfer/processing of nonhazardous contaminated soil for a "one-time treatment" in the excluded tier when the treatment is within the jurisdiction of the Regional Water Board, the Local Oversight Agency, or the Air District because that indicated that it was already adequately regulated.

#### D. Types of Handling

Staff have identified seven broad categories of handling for construction, demolition and inert debris:

Disposal  
Transfer/Processing  
Storage

Manufacturing  
Recycling  
Reuse  
Mine Reclamation

The first three handling methods appear to fit squarely within the CIWMB's general jurisdiction as set forth in PRC section 40194, which provides that "solid waste facility" includes:

"... a solid waste transfer and processing station ... and a disposal facility."

and PRC section 40200(a), which defines transfer or processing station as including:

"...those facilities utilized to ... temporarily store ... the solid wastes..."

The last four of these handling categories appear to be outside of the CIWMB's general jurisdiction either based upon the definition of recycling set forth in PRC section 40180:

"...the process of collecting, sorting, cleansing, treating, and reconstituting materials that would otherwise become solid waste, and returning them to the economic mainstream in the form of raw material for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace..."

or based upon past CIWMB determinations in which it determined that the CIWMB did not have jurisdiction over specified reuse of waste-derived materials, manufacturing where waste-derived materials were used as a feedstock in making a product, or mine reclamation where waste-derived materials were used.

#### E. Consistency With Past Regulatory Tier Determinations

The above analysis is consistent with the CIWMB's previous determinations regarding legal authority from the nonhazardous contaminated soil and nonhazardous ash regulations.

**-Disposal facilities** for construction and demolition and inert debris are within the CIWMB's jurisdiction based on Public Resources Code section 40192 which defines

solid waste disposal as including "the final deposition of solid wastes onto land;" and, on section 43020 which requires the CIWMB to set forth minimum standards for solid waste disposal.

**-Transfer/processing and storage** of construction and demolition and inert debris are within the CIWMB's jurisdiction based on Public Resources Code section 40195 which defines solid waste handling as including the "storage, transfer, or processing of solid waste;" and, on section 43020 which requires the CIWMB to set forth minimum standards for solid waste handling.

**-Manufacturing** activities would not be within the CIWMB's jurisdiction if they use construction and demolition and inert debris as a feedstock in making a product which constitutes a productive use of this material that does not fit within the definition of solid waste disposal or handling, but, in fact, qualifies as a type of recycling, as defined in Public Resources Code section 40180.

**-Recycling** of construction and demolition and inert debris would not be within the CIWMB's jurisdiction if they constitute productive uses of this material that do not fit within the definition of solid waste disposal or handling, but, in fact, qualify as types of recycling, as defined in Public Resources Code section 40180.

**-Other productive reuse** for construction and demolition and inert debris, such as roadbase, would not be within the CIWMB's jurisdiction if they constitute productive uses of this material that do not fit within the definition of solid waste disposal or handling, but, in fact, qualify as types of recycling, as defined in Public Resources Code section 40180.

**-Mine Reclamation** with construction and demolition and inert debris would not be within the CIWMB's jurisdiction if they constitute productive uses of this material that do not fit within the definition of solid waste disposal or handling, but, in fact, qualify as types of recycling, as defined in Public Resources Code section 40180. Furthermore, mine reclamation operations are already regulated by other federal, state, and local agencies.

#### F. Issues for Draft Regulations

While a general determination regarding the CIWMB's jurisdiction, or lack thereof, appears to be fairly straight forward, a number of issues were raised at three informal workshops held around the state regarding the specific details of this jurisdiction. These issues will have to be addressed as regulations are drafted. The workshops were held in August and September in Redding, Diamond Bar, and Sacramento and included approximately one hundred participants.

##### 1. Level Of Appropriate Regulation

As mentioned above, even if an operation is within the CIWMB's general jurisdiction, the CIWMB must evaluate where that type of operation should be placed within the regulatory tiers. In doing so, the CIWMB may choose not to regulate it actively, by placing it in the Excluded tier.

For those handling methods that did fit within the CIWMB's general jurisdiction, many workshop participants questioned whether or not additional regulation by the CIWMB would be appropriate or necessary. These individuals felt that operations handling inert debris provided no significant risk to the public health and safety and the environment. To the extent that they conceded that there was any risk at all, they felt that they were already sufficiently regulated by other state agencies such as the regional water boards and by local agencies, in particular through conditional use permits and other local land use permits.

Other workshop participants indicated that construction and demolition debris also posed no significant risks, to the extent that this debris did not include other types of waste such as hazardous or putrescible wastes. Many felt that these operations were also already sufficiently regulated.

## 2. Existing Permit Exemption

Title 27 CCR section 21565 (formerly 14 CCR 18215) provides a procedure to allow specified operations to obtain an exemption from the requirement for a solid waste facility permit. The exemption may be granted by an enforcement agency if certain findings are made after holding a public hearing. Subsection (b)(4) allows this procedure to be used for "Unclassified waste management units as defined by the State Water Resources Control Board (SWRCB)." Inert disposal sites are unclassified waste management units. A number of inert disposal sites have been obtained this exemption. One determination that will have to be made in this rulemaking effort is whether to retain, modify or repeal this exemption process.

## 3. Defining "Separated for Reuse"

Even those handling methods that do not fit within the CIWMB's general jurisdiction raise a number of issues. These primarily revolve around how to specifically define these handling methods, and how to verify the nature of these operations. For example, these regulations will need to define what will constitute "separated for reuse" materials for construction and demolition debris in order to be able to specify that construction, demolition and inert debris recycling is not included within the regulations.

Even though an operation may be "outside the regulatory tiers," the CIWMB may establish definitions and thresholds which indirectly affect those activities. In considering its legal authority to regulate more traditional recycling facilities, the CIWMB determined that it had no jurisdiction over them and that they would be "outside of the regulatory tiers." However, in doing so, the CIWMB established a two-part test that will be placed into its regulations for determining whether a particular operation is a "recycling facility" not subject to the CIWMB's regulations, or is a transfer/processing station which is subject to regulation. By establishing the two-part test, the CIWMB is, in effect, indirectly regulating recycling facilities by setting a standard that they must meet in order to remain outside of the CIWMB's jurisdiction.

The task of defining recycling for construction, demolition and inert debris is different than the one for more "traditional" forms of recycling. The two-part test may not be appropriate in this

context. For instance, the first part of the test is whether or not the material has been separated for reuse. One could argue that all of this debris is "separated for reuse" provided that there is no MSW or putrescible material mixed in with it. One could also argue that none of it is "separated for reuse" if the debris remains mixed without regard to recyclability. In addition, the second part of the test may also be problematic since it establishes a threshold of 10% residual by weight. The relevance of 10% residual appears to be skewed by the relative weight of the debris being recycled.

#### 4. Length of Storage Time

Previous tier packages for contaminated soil and ash have provided a time limit on storage. After the material remained on-site beyond this time period, the site was presumed to be a disposal site. Those time periods were one year for contaminated soil and six months for ash.

Workshop participants indicated that these time periods were not workable for construction, demolition and inert debris. They indicated that it is not uncommon for this material to remain on-site for periods of three to four years prior to processing/sale. The length of time would depend on market conditions and volume accumulated. Despite these long storage times, these sites could not be accurately described as disposal sites since there was no intent to leave the material at the site (i.e. "final deposition").

#### 5. Defining "Inert"

The existing regulatory definition is very general and stated in terms of waster quality. Waste Discharge Requirements tend to be more specific and may list acceptable and unacceptable materials (such as, broken concrete, brick, glass, etc.). A determination will need to be made as to whether a more specific and/or non-water quality based definition is necessary.

In addition, the regional boards also tend to allow up to 10% non-inert to be included within the material handled. The CIWMB will also need to determine if this leeway in the definition is appropriate.

#### 6. Other Issues

Numerous other more specific (as opposed to broad policy) issues were raised at the workshops. For instance, whether or not the existing definition of putrescible waste is sufficient. These have not been identified in this item. They will be brought forward for consideration in the future as regulations are developed.

## VI. ATTACHMENTS

### 1. Resolution 97-509

## VII. APPROVALS

Prepared By: Marcia Kiese Marcia Kiese Phone: 255-3880

Prepared By: Robert Holmes RH by EBS Phone: 255-3856

Prepared By: Elliot Block Elliot W. Block Phone: 255-2821

Reviewed By: Dorothy Rice Dorothy Rice Phone: 255-2431

Legal Review: EBS Date/Time: 11/7/97

## **CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**

### **Resolution 97-509**

#### **CONSIDERATION OF LEGAL AUTHORITY ISSUES, AND STAFF OPTIONS RELATING TO "CONSTRUCTION, DEMOLITION AND INERT" TIER REGULATIONS**

**WHEREAS**, Public Resources Code (PRC) section 40191(a) provides that solid waste includes:

"...all putrescible and nonputrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, **demolition and construction wastes**, abandoned vehicles ... and other discarded solid and semisolid wastes."; and,

**WHEREAS**, Construction and Demolition Wastes are defined in Title 27 California Code of Regulations (CCR) section 20164 as:

"...the waste building materials, packaging and rubble resulting from construction, remodeling, repair and demolition operations on pavements, houses, commercial buildings and other structures."; and,

**WHEREAS**, Inert Waste is defined in 27 CCR section 20230(a) as:

"... that subset of solid waste that does not contain hazardous waste or soluble pollutants at concentrations in excess of applicable water quality objectives, and does not contain significant quantities of decomposable waste."; and,

**WHEREAS**, PRC section 40194, provides that "solid waste facility" includes:

"... a solid waste transfer and processing station ... and a disposal facility."; and,

**WHEREAS**, PRC section 40200(a), defines transfer or processing station as including:

"...those facilities utilized to ... temporarily store ... the solid wastes..."; and,

**WHEREAS**, PRC section 40180 defines recycling as:

"...the process of collecting, sorting, cleansing, treating, and reconstituting materials that would otherwise become solid waste, and returning them to the economic mainstream in the form of raw material for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace..."; and,



**WHEREAS**, the CIWMB has previously determined that it did not have jurisdiction over specified reuse of waste-derived materials, manufacturing where waste-derived materials were used as a feedstock in making a product, or mine reclamation where waste-derived materials were used.

**NOW, THEREFORE, BE IT RESOLVED** that the CIWMB authority to regulate construction and demolition and inert debris operations handling is as follows:

1. The CIWMB has authority to regulate construction and demolition and inert debris that is disposed.
2. The CIWMB has authority to regulate construction and demolition and inert debris that is handled at a transfer and/or processing station.
3. The CIWMB has authority to regulate the storage of construction and demolition and inert debris.
4. The CIWMB would not have jurisdiction over manufacturing operations that use construction and demolition and inert debris as a feedstock.
5. The CIWMB would not have jurisdiction over the recycling of construction and demolition and inert debris.
6. The CIWMB would not have jurisdiction over "other productive reuses" of construction and demolition and inert debris.
7. The CIWMB would not have jurisdiction over the use of construction and demolition and inert debris for mine reclamation.

**NOW, THEREFORE, BE IT ALSO RESOLVED** that staff is directed to solicit further input regarding the appropriate application of CIWMB jurisdiction to construction, demolition and inert debris handlers.

#### **CERTIFICATION**

The undersigned Executive Director, or his designee, of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on November 19, 1997 at Sacramento, California.

Dated:

Ralph E. Chandler

Executive Director

# **California Integrated Waste Management Board**

## **California Integrated Waste Management Board**

**November 19, 1997**

### **AGENDA ITEM 27**

#### **ITEM:**

**CONSIDERATION OF LEGAL AUTHORITY ISSUES, AND STAFF OPTIONS RELATING TO "ORGANICS" TIER REGULATIONS**

#### **I. SUMMARY**

The purpose of this item is to bring forward for consideration by the Permitting and Enforcement Committee (Committee) proposed options on CIWMB legal authority for the regulation of "organics" operations and facilities. Diversion of the organic portion of the waste stream is essential to the state in meeting the 50% diversion requirements. Furthermore, the potential scope of the proposed regulations is vast. Therefore, it is important to provide a clear legal framework as the basis for this project. There remains much uncertainty with the regulation of "organics". This agenda item intends to initiate a focused and clarifying process regarding the legal framework for the appropriate level of "organics" regulation.

Historically, California Integrated Waste Management Board (CIWMB) regulation of solid waste had been designed specifically for landfills and transfer stations. These regulations were not readily applicable to nontraditional operations, which dealt with waste derived material other than municipal solid waste (MSW). Applying CIWMB regulations to these nontraditional operations resulted in confusion among the regulated community and Local Enforcement Agencies (LEA), creating uneven application of statutory and regulatory requirements throughout the state. Additionally, the "one-size-fits-all" permit did not provide the flexibility needed by the CIWMB and LEAs to oversee nontraditional solid waste operations.

In April 1994, the Committee directed staff to further develop a concept proposing a tiered permitting structure for all solid waste operations. Draft regulatory tier regulations were developed and distributed during an informal public review period. The draft regulations were revised based on comments received and distributed as part of the formal public rulemaking. The CIWMB adopted the regulatory tier regulations at its November 16, 1994, general business meeting. The Office of Administrative Law approved the regulatory tier regulations on March 1, 1995.

These regulations established a new, flexible framework of regulatory oversight by the CIWMB for a wide range of solid waste operations and facilities. The level of regulatory oversight can be set to be commensurate with the potential impact that the operation/facility might pose to public health, safety, and the environment. These regulations did not place any solid waste operation/facility into a particular tier.

At its March 29, 1995 general business meeting, the CIWMB approved a process for determining CIWMB legal authority and a general methodology for determining placement of those operations where the CIWMB has authority. The process for determining CIWMB authority has been used as the first step in the process of drafting tier regulations for a number of types of operations and facilities since that time. So far, the following tier regulations have been adopted:

<u>Regulatory Package</u>	<u>Effective Date of Regulations</u>
Composting	7/30/95
Nonhazardous Contaminated Soil	4/24/96
Limited Volume Transfer	10/11/96
Chipping/Grinding & Storage of Organics (Emergency)	4/7/97
Nonhazardous Ash	9/26/97
Chipping/Grinding & Storage of Organics (Permanent)	Pending

The CIWMB has also adopted a schedule for considering other tier regulations as follows:

<u>Regulatory Package</u>	<u>Proposed Effective Date</u>
MRF's, Transfer/Processing, "Two-Part Test"	October 1998
Organics	October 1998
Construction/Demolition/Inerts	October 1998
Biosolids	July 1999

## **II. PREVIOUS (BOARD OR COMMITTEE) ACTION**

The Permitting and Enforcement Committee heard this item at its November 5, 1997 meeting. The Committee voted 3-0 to approve the staff recommendation described below and placed this item on the Board's consent calendar.

### **III. OPTIONS FOR THE BOARD OR COMMITTEE**

Board members may decide to:

1. Re-confirm the CIWMB's general legal authority to regulate "organics" and make a decision on the appropriate approach to apply that authority to "organics" operations and facilities based on information provided by CIWMB staff and the public at the November Permitting and Enforcement Committee meeting.
2. Re-confirm the CIWMB's general legal authority to regulate "organics" and direct staff to seek additional input regarding the appropriate approach to apply that authority to "organics" operations and facilities during the development of draft regulations.

### **IV. STAFF RECOMMENDATION**

This agenda item presents some significant issues of legal interpretation about which the CIWMB must make a decision. Although, the discussion in this agenda item is specific to "organics," the decisions made may set precedent for the application of the analysis contained in this item to other material that will be considered in the future. As will be described below, a number of the approaches to applying CIWMB jurisdiction are at a conceptual stage only. It is believed that this analysis will engender significant discussion and public input. That additional input should be useful in determining the appropriate application of the CIWMB's authority.

Staff recommends option number 2.

### **V. ANALYSIS**

#### **Background:**

During the rulemaking process for the composting regulations (adopted in 1995), the CIWMB determined that it would not include operations which handled green waste in the compost regulations as long as they were not intentionally producing compost. It was decided that these operations would be reviewed separately to determine the appropriate level of regulatory control that should be applied to them. That future regulatory package was later labelled "organics" in the tier rulemaking schedule when it was expanded to also include other similar materials in addition to green waste.

Since that time the focus of the "organics" tier package has changed somewhat and several other issues have been added to the scope of this rulemaking package. First, two years of experience with the composting regulations led the CIWMB to determine that stockpiled organic materials can create significant public health and safety and environmental impacts regardless of the type of processing being performed or the intended end-use for the material. Simply put, the CIWMB decided that the distinction between intentional and unintentional composting that it had originally made in the composting regulations was not appropriate. This led to the adoption of regulations for the chipping and grinding and storage of organic material. Those regulations were initially adopted as emergency regulations to provide an immediate tool for local enforcement agencies to deal with the concerns associated with these activities. Due to the need for immediate regulations, a conscious decision was

made to adopt an interim set of regulations that did not include the placement of these operations into the regulatory tiers. Staff was directed to accomplish that task as part of the "organics" rulemaking package.

Second, concerns have been raised regarding the need for revisions to the testing and sampling requirements for metals and pathogen reduction that are currently contained in the composting regulations. Staff is proposing to include those revisions in this rulemaking package for reasons of efficiency.

Third, A.B. 59 (Sher, Stats.1995, chap, 952) gave the CIWMB jurisdiction over complaints related to odor at composting operations and facilities for a two year period. Recently enacted S.B. 675 extended the CIWMB's jurisdiction for an additional four years. Staff is proposing to use the organics rulemaking package to explore whether any revisions may be necessary in the composting regulations to address this legislation.

Finally, during the course of the adoption of permanent regulations for chipping and grinding and storage of organic material, several commenters raised issues about the distinction between solid waste and commodities. This issue was brought to the fore by the proposed definition of "market product." This definition was dropped from the final adopted version of those regulations. However, since the organic portion of the waste stream is essential to the state in meeting the 50% diversion requirements, the CIWMB directed staff to address this issue within the context of the "organics" rulemaking.

The focus of this agenda item is on the legal framework for accomplishing this last task: Providing a mechanism for determining the point at which organic material, which might otherwise be within the CIWMB's jurisdiction, is no longer within that jurisdiction because the organic material can be considered a commodity.

#### Definition of "Organics"

For the purposes of initiating discussion, staff proposes a working definition of "organic material" as follows:

Any carbon-based material that readily decomposes biologically or due to exposure to heat and/or light and which may be used as a feedstock. Organic material includes, but is not limited to, clean green material, green material, animal material, sewage sludge, and mixed solid waste.

This definition is similar to, but more specific than, the definition of feedstock in the composting regulations (14 CCR 17852(t)). This initial definition is broad to allow for future innovations in organic material feedstock development for composting and related activities and assure inclusion of all materials needing regulatory oversight as a compost or related activity. The CIWMB needs to determine the degree of oversight through the implementing minimum standards and tiered permitting requirements to balance the level of public health and safety and environmental protection with the long-term environmental advantages of an aggressive waste diversion program.

## **B. Statutory Framework for Regulating "Organics" Operations and Facilities**

### **Past Legal Authority Determinations for Tier Regulations**

The CIWMB's jurisdiction is primarily defined in terms of solid waste facilities and handling. PRC section 40194 provides that:

"Solid waste facility' includes a solid waste transfer or processing station, a composting facility, a transformation facility, and a disposal facility."

PRC section 40195 provides that:

"Solid waste handling' or 'handling' means the collection, transportation, storage, transfer, or processing of solid wastes."

Each of these activities is separately defined and the CIWMB is given authority to permit facilities and to establish standards for solid waste facilities and handling.

Separately, the CIWMB's statutes define solid waste and recycling. However, the interpretation of these definitions has always been somewhat subjective and the subject of dispute. The two most relevant definitions in the Public Resources Code provide general guidance, but little in the way of quantifiable distinctions.

PRC 40191. (a) Except as provided in subdivision (b), "solid waste" means all putrescible and nonputrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semisolid wastes, and other discarded solid and semisolid wastes....

PRC 40180. "Recycle" or "recycling" means the process of collecting, sorting, cleansing, treating, and reconstituting materials that would otherwise become solid waste, and returning them to the economic mainstream in the form of raw material for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace. "Recycling" does not include transformation, as defined in Section 40201.

Further complicating the task of using a definition of waste as a method of determining CIWMB legal authority was the fact that the CIWMB was given jurisdiction over composting operations

and facilities, a broader category of activities than that which has been traditionally considered to be included in the handling of solid waste.

PRC 40116. "Compost" means the product resulting from the controlled biological decomposition of organic wastes that are source separated from the municipal solid waste stream, or which are separated at a centralized facility. "Compost" includes vegetable, yard, and wood wastes which are not hazardous waste.

Based upon these statutes, past CIWMB legal authority analyses for tier regulations have focused on whether or not particular facilities and operations were within the CIWMB's jurisdiction rather than on defining whether or not a particular material was a solid waste.

#### 1995 Compost Regulations

The 1995 composting regulations were written prior to the CIWMB's adoption of the General Methodology for tiers, which includes the making of a determination about the CIWMB's legal authority. These regulations, among other things, provided that once a material could be considered "finished compost," it was no longer subject to the regulations. Experience with the implementation of those regulations revealed that this distinction is difficult, if not impossible, to enforce and results in various inconsistencies in the manner in which similar operations are regulated. The regulations, as they were written, allowed for unregulated material on-site at a compost operation which was not easily distinguishable from material that was regulated.

#### The Emergency Chipping & Grinding And Storage Regulations

One of the revisions to the compost regulations made in the chipping and grinding and storage regulations was a change in this distinction. The compost regulations as revised by the emergency chipping and grinding and storage regulations provide that compost, even if it is "finished" is still subject to the regulations until it leaves the site. Section 17852(aa)(2) now provides that the "operations area," an area which is subject to the regulations includes "stabilized compost processing and stockpiling areas." In the emergency regulations, compost or other material is only outside of the CIWMB's jurisdiction once it met the definition of "market product." "Market product" is defined as being feedstock, compost, or chipped and ground materials which has been sold, bagged for sale, or beneficially reused.

This change was consistent with the legal authority analyses that have been done using the General Methodology since the 1995 compost regulations were adopted which focus on the operation, not the material for determining CIWMB jurisdiction

#### Consideration of The Permanent Chipping & Grinding And Storage Regulations

As noted above, during the course of the adoption of permanent regulations for chipping and grinding and storage of organic material, several commenters raised issues about the distinction between solid waste and commodities. In particular concerns were raised about the definition of "market product." This definition was dropped from the final adopted version of those regulations to avoid the

unintentional setting of a precedent. However, the substance of the definition was maintained within the sections of the regulations setting forth what activities were excluded from the regulations. Furthermore, language that had previously only appeared in the initial statement of reasons was added to the text of the regulations to provide additional clarity. Section 17855(a)(7) was revised so that it now excludes from the regulations the "[s]torage and handling of feedstock, compost or chipped and ground materials which have been sold and removed from the site, bagged for sale, given away for beneficial use and removed from the site, or otherwise beneficially used...(emphasis added)."

By focusing on whether or not the material has left the site, these regulations maintain a consistency with the legal authority analyses which focus on the operation and not the material. However, it was the very discussion about clarifying this distinction that led the CIWMB to direct staff to perform a broader examination of the issue of when a material becomes a commodity within the "organics" rulemaking.

#### Change in Context From Previous Legal Authority Analyses

As noted above, in previous legal authority analyses, the focus of the analysis was based upon the fact that the CIWMB regulates operations and facilities, not "solid waste." The analyses focused on whether or not the operation handling a particular material was within the CIWMB's jurisdiction. This analysis is still essentially correct and there is no intent to modify it in this agenda item.

However, the legal analyses so far have been primarily concerned with whether or not something was within the CIWMB's jurisdiction in the first instance. The legal issue raised in the "organics" rulemaking package is concerned with whether or not something, which might otherwise be within the CIWMB's jurisdiction, is no longer within that jurisdiction because the material can be considered a commodity. The colloquial phrase most commonly used to describe in earlier legal analyses was "what is a waste." The colloquial phrase, which might be most appropriate for describing the "organics" rulemaking legal analysis might be "what is a commodity."

The issue presented for the CIWMB's exploration is whether or not this change in context justifies a change in the application of the relevant statutes for determining the appropriate application of the CIWMB's legal authority.

Since the organic portion of the waste stream remains essential to the state in meeting the 50% diversion requirements, the CIWMB must provide a reasonable level of oversight, for the protection of public health, safety and the environment, while at the same time fostering diversion. Staff regards the development of a mechanism for determining the point at which organic material is no longer within the CIWMB's jurisdiction (because it can be considered a commodity) as imperative in this regard.



## Various Methods for Defining "What Is A Commodity?"

Conceptually, there are two ways for the CIWMB to approach this issue. One method would be to continue to use the focus on the operation as has been used for determining what is within the CIWMB's jurisdiction in the first instance.

The second method would be to focus on whether or not a material has met the definition of recycling.

Staff have identified various specific approaches in which these methods could be used for determining the extent of CIWMB jurisdiction in this context. They are briefly described below.

### **FOCUS ON THE HANDLING**

#### **HAS THE MATERIAL BEEN SENT OFF-SITE?**

This approach is the one taken in the permanent chipping and grinding and storage regulations. Simply put, it provides that materials that have been handled by an operation or facility that is within the CIWMB's jurisdiction remain within that jurisdiction until they leave the site. This approach would be the simplest to implement because it is easy to determine. One disadvantage to this approach is that it would maintain some level of CIWMB jurisdiction over materials that might otherwise be considered "recycled."

#### **HAS THE MATERIAL BEEN PURCHASED?**

This approach would provide that materials that have been handled by an operation of facility that is within the CIWMB's jurisdiction remain within that jurisdiction until they have been purchased. This approach is still relatively simple in theory, but would be a little more difficult to implement than the first approach. It would potentially require LEAs to review financial records in order to make determinations on whether or not something had been purchased or not. Consequently, it would also require some additional record-keeping.

#### **HAS THE MATERIAL CONTRACTED FOR SALE OR MARKETING FOR SALE?**

This approach is similar to the one above, except that it would allow additional ways in which the material could be considered "purchased." "Contracted for sale" would mean that a contract had been signed for the purchase, but not yet executed. "Marketed for sale" would mean that the material is being offered for sale, but no purchase had occurred yet. As with the approach above, these additional options would require additional efforts to implement and additional recordkeeping.

#### **IS THE MATERIAL HANDLED BY A VOLUNTARILY CERTIFIED RECYCLER?**

This approach is entirely new to the discussion on tier regulations. The concept is that businesses, or portions of businesses could be designated or certified as "recyclers." Material that is handled by those businesses would be considered commodities. Since this concept is so new, not many details have been developed yet. It has been included for the purposes of

maintaining a broader discussion. This approach could range from being a voluntary program which would allow handlers to remain outside of the CIWMB's regulations if they met certain requirements, to a regulatory framework which allowed for LEAs to verify that businesses qualify as "recyclers." It could also be done in conjunction with a recognized association such as California Compost Quality Council (CQCC).

## **FOCUS ON THE MATERIAL**

### **IS THE MATERIAL "WASTE-LIKE?"**

This approach would provide a more detailed definition of solid waste than the one contained in PRC 40191. The definition could define something as a solid waste if it possessed specified waste-like qualities and/or if it was handled like a waste. The waste-like qualities could be characteristics related to public health and safety and environmental impacts. The handling provisions could relate to discarding of materials, long-term storage, or mixing with other materials in a manner that looks like MSW. This approach would be an attempt to take the general statutory definition of solid waste and make it more precise so that it could be used for determining when a material has become a commodity. Conceptually this approach is simple, however, past experience has shown that opinions differ widely on how solid waste should be defined.

### **DOES THE MATERIAL CREATE WASTE-LIKE PROBLEMS?**

This is similar to the approach above but would focus on the actual impacts associated with the material as they occur, rather than on defining the material in a more generic way. It would set forth various environmental indicators such as fire, odor and vectors, which are of concern as a way of defining solid waste. This approach is simpler than the one above in that if an impact is occurring, by definition the material would be a solid waste. However, for that reason this approach is reactive in nature and might inhibit appropriate design and planning of operations and facilities.

### **WHAT LEVEL OF PROCESSING IS NECESSARY TO RECOVER THE MATERIAL?**

This approach is similar to the one above but is different because it would focus on whether or not the material is recycled rather than on whether or not it is a solid waste. In essence it would involve providing additional specificity to the statutory definition of recycling.

### **IS THERE AN ESTABLISHED MARKET FOR THE MATERIAL?**

This approach would provide that something was not a waste if it was being handled to prepare it for sale in an established market. An "established market" would probably have to be a permanent market rather than a spot or seasonal market. It is similar to the approach above in providing additional specificity to the statutory definition of recycling but is different in that it focuses on whether there is a market for the material.

### **HAS THE MATERIAL MET SPECIFIED STANDARDS TO QUALIFY AS A RECOVERED MATERIAL?**

This approach is similar to the one above except that it would actually provide standards for

determining when a material has been processed, recovered, or separated and certified for sale on the market. The certification could be by done by the CIWMB, other state or local agencies or by a specified industry group. For instance, compost could be certified once it has been processed in accordance with the CIWMB's regulations. Alternatively, it could be certified by the CCQC. Likewise, green material could be certified once processed to "clean-green" standards - those in the current compost regulations or others.


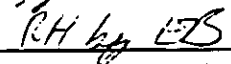
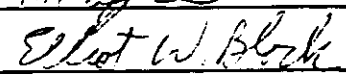
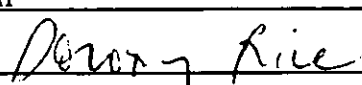
### **STAFF RECOMMENDATION**

This agenda item presents some significant issues of legal interpretation about which the CIWMB must make a decision. Although, the discussion in this agenda item is specific to "organics," the decisions made may set precedent for the application of the analysis contained in this item to other material that will be considered in the future. In addition, a number of the approaches to applying CIWMB jurisdiction are at a conceptual stage only. It is believed that this agenda item will engender significant discussion and public input. That additional input should be useful in determining the appropriate method of application of the CIWMB's authority. Therefore, staff has recommended that the Board confirm the CIWMB's general legal authority to regulate "organics" and direct staff to seek additional input regarding the appropriate approach to apply that authority to "organics" operations and facilities during the development of draft regulations.

### **VI. ATTACHMENTS**

1. Resolution 97-510.

**VII. APPROVALS**

Prepared By:	<u>Jeff Watson</u> 	Phone:	<u>255-3850</u>
Prepared By:	<u>Robert Holmes</u> 	Phone:	<u>255-3856</u>
Prepared By:	<u>Elliot Block</u> 	Phone:	<u>255-2821</u>
Reviewed By:	<u>Caren Trgovcich</u>	Phone:	<u>255-2320</u>
Reviewed By:	<u>Dorothy Rice</u> 	Phone:	<u>255-2431</u>
Legal Review:	<u>EB</u>	Date/Time:	<u>11/7/87</u>

**CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**

**Resolution 97-510**

**CONSIDERATION OF LEGAL AUTHORITY ISSUES, AND STAFF OPTIONS  
RELATING TO "ORGANICS" TIER REGULATIONS**

**WHEREAS**, the Board has previously adopted regulations regarding the composting of organic material (Title 14 California Code of Regulations section 17850 et seq.); and,

**WHEREAS**, the Board subsequently revised those regulations to provide that material located at a site which is subject to the regulations shall remain subject to those regulations until it is "sold and removed from the site, bagged for sale, given away for beneficial use and removed from the site, or otherwise beneficially used."; and,

**WHEREAS**, the Board has received public testimony and other oral and written input requesting that it re-examine and make a determination regarding the point at which material that is subject to the Board's regulations ceases to be within Board's jurisdiction because the material has been recycled, or otherwise recovered; and,

**WHEREAS**, diversion of the organic portion of the waste stream is essential to the state in meeting the 50% diversion requirements; and,

**WHEREAS**, the Board wants to ensure that its composting regulations provide the proper balance between protecting the public health and safety and the environment and encouraging diversion.

**NOW, THEREFORE, BE IT RESOLVED** that the Board re-confirms its general legal authority to regulate organic material at regulated sites; and

**NOW, THEREFORE, BE IT ALSO RESOLVED** that the Board directs staff to seek input regarding the appropriate approach for making a determination regarding the point at which material that is subject to the Board's regulations ceases to be within Board's jurisdiction because the material has been recycled, or otherwise recovered.

## **CERTIFICATION**

The undersigned Executive Director, or his designee, of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on November 19, 1997 at Sacramento, California.

Dated:

Ralph E. Chandler

Executive Director

# California Integrated Waste Management Board

## Board Meeting

November 19, 1997

### AGENDA ITEM 28

ITEM: CONSIDERATION OF A NEW STANDARDIZED COMPOSTING PERMIT FOR SUN-LAND GARDEN PRODUCTS COMPOSTING FACILITY, MONTEREY COUNTY

#### I. SUMMARY

##### Facility Facts

Name: Sun-Land Garden Products Composting Facility  
14201 Del Monte Boulevard, Marina CA  
Operator: Sun-Land Garden Products  
Owner: Monterey Regional Waste Management District  
LEA: Monterey County Health Department  
Division of Environmental Health  
Mr. Walter Wong, Director

#### II. PREVIOUS COMMITTEE ACTION

This permit was not included in the November 5, 1997 Permitting and Enforcement Committee meeting agenda as the proposed permit has not been received. However, this permit must be included in the November Board meeting agenda because the Board only has 30 days to concur in or object to the issuance of a standardized permit.

#### III. STAFF RECOMMENDATION

Staff is awaiting the submittal of the proposed permit to review the application package to determine if the permit is acceptable for the Board's consideration of concurrence. Staff will provide an update/recommendation at the November Board meeting.

#### IV. APPROVALS

Prepared By:	<u>Virginia Rosales</u> <i>SRH for 10/29/97</i>	Phone:	<u>255-4168</u>
Reviewed By:	<u>Don Dier, Jr.</u> <i>D. Dier</i>	Phone:	<u>255-4175</u>
Reviewed By:	<u>Dorthy Rice</u> <i>D. Rice</i>	Phone:	<u>255-2431</u>
Legal Review:	<u><i>[Signature]</i></u>	Date/Time:	<u>10/31/97</u>

# **California Integrated Waste Management Board**

## **Board Meeting**

**November 19, 1997**

### **AGENDA ITEM 29**

#### **ITEM:**

**UPDATE ON STAFF'S EFFORTS TO DEVELOP QUANTITATIVE MEASUREMENT TOOLS FOR USE BY LOCAL JURISDICTIONS**

#### **I. SUMMARY**

One of the Waste Characterization and Analysis Branch's (WCAB) functions is to develop quantitative tools that can help jurisdictions improve their waste measurement systems. Three principle tools are currently under development: a Diversion Study Guide, Waste Characterization Database, and the Automated Diversion Planning Tool (ADPT). The following is a brief description and development progress update for each tool.

#### **II. PREVIOUS (BOARD OR COMMITTEE) ACTION**

In January 1996, the Local Assistance and Planning Committee (LAPC) authorized the formation of the Measurement Accuracy Issues Working Group (Working Group) to address inaccuracies in jurisdictions' solid waste measurements in relation to AB 939 goal achievement requirements. In March 1997, the LAPC reviewed and approved the Working Group's recommendations and directed Board staff to develop assistance tools, such as a solid waste generation computer modeling system and a diversion study guide, that jurisdictions could use in quantifying more accurate generation tonnage while minimizing associated costs.

Staff presented an update on the progress of assistance tool development to the LAPC on October 21, 1997. Staff was directed by the Committee to also present the update to the full Board in November.

#### **III. OPTIONS FOR THE BOARD OR COMMITTEE**

This is an information only item, so no action from the Board is necessary at this time.

#### **IV. STAFF RECOMMENDATION**

There is no recommendation necessary for this item.



## V. ANALYSIS

### Waste Diversion Study Guide

The WCAB is developing a diversion study guide in response to requests for technical assistance from local governments. Many jurisdictions reported they had a difficult time doing their 1990 base-year diversion studies and that the results often seemed to undercount their diversion tonnage. Some jurisdictions would like to establish a new base-year generation number using results from the Board's disposal reporting system and a new diversion study, or to demonstrate compliance with the diversion requirements using diversion tonnage information on an annual basis.

The diversion study guide provides general advice on how to plan and implement a solid waste diversion study, and provides model calculations and tracking forms for quantifying the amount and type of materials diverted from disposal facilities. Methods and strategies are included for each step of a diversion study, each sector of the waste stream (residential, commercial, and industrial), and type of diversion data (source reduction, reuse, recycling, and composting). In addition, model diversion survey worksheets and examples of several jurisdictions' diversion studies will be included in appendices.

Although the guide places special emphasis on methods for obtaining new diversion data, the information obtained from the study could also be helpful for planning future diversion programs and estimating the availability of divertable materials.

Board staff will circulate the first draft of the document for comments this fall. A second draft will be sent to an external review committee comprised of jurisdictions that have experience in conducting diversion studies since establishing their base-year, and waste industry representatives. The final version of the guide will be ready for distribution to the public this winter, and should be downloadable from the Board's web page by early spring.

### Waste Characterization Database

The Waste Characterization Database was developed as part of the Uniform Waste Disposal Characterization Method, which jurisdictions will use to develop waste stream data. Statute mandated that the Board develop a method for jurisdictions to follow in characterizing their waste streams. Staff took this effort one step further and created the disposal characterization database based on this methodology. The method allows jurisdictions to use 'default' data from the database to prepare waste characterization studies for submission to the Board in their revised SRREs. The database provides jurisdictions with an easy, cost-effective option for waste stream analysis. The database combines information from several different sources and makes it available to many users. Local governments and haulers donated much of the data.

The database combines two kinds of information: 1) data on the types and amounts of materials typically disposed by businesses, and 2) information on the number and types of businesses in a jurisdiction. From this information, a jurisdiction can determine:

- which of its business groupings dispose the most waste;

- which material types are disposed in the greatest quantities;
- for a particular material type, which businesses contribute the most of that material to the waste stream; and
- estimates of the types and amounts of materials disposed by each business grouping in the jurisdiction.

This information has already been used to:

- target businesses for waste reduction and recycling outreach;
- estimate materials that may be available for facilities such as a glass recycling plant, a plastics recycling plant, and a worm composting facility;
- match local small recyclers with smaller businesses that don't generate enough materials to be of interest to larger recycling firms; and
- determine business sectors that should be the focus of business waste reduction outreach efforts on the statewide level.

Although the original purpose of the database was to provide jurisdictions with a cost-effective method for preparing new waste stream information when required by statute, the database can also provide information for many types of planning efforts at the local, regional, and statewide levels. Beginning early November, interested parties can begin using the commercial sector portion of the database on the Board's web site. Staff is currently working to add residential waste stream data to the database, and to have the entire database available on the Board's web site by early 1998.

#### Automated Diversion Planning Tool

The ADPT is a computer model designed to enable Users to estimate the potential number of tons that could be diverted, and the associated cost savings, for various diversion programs. The Users are likely to be local planners and recycling coordinators, as well as Board staff assisting local jurisdictions.

The ADPT system works as follows: The user selects either the business types or material types for which they want to expand or initiate source reduction or recycling programs. ADPT will estimate the tons diverted by each selected program, as well as the avoided disposal costs from implementing the program(s). The User can then design diversion scenarios by combining various programs, and ADPT will calculate the jurisdiction's overall disposal reduction as it relates to the 50% diversion goal. The User will also have the option to customize the tool by overwriting default data with their own local information (e.g., waste disposed, diverted, predicted tonnage impacts, etc.). Ultimately, the user can compare various diversion program scenarios (based on different material types, capture rates and tipping fees) to determine where to best focus diversion efforts.

The in-house version of ADPT is being written to run on Microsoft Access, and a similar version is planned for use by the public on the Internet. Staff are currently developing diversion tonnage

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and cost range data, user-friendly screen designs, and links to its parent model, the Disposal Characterization Database. Pending completion of the Disposal Characterization Database, ADPT is projected to be available on the Internet this winter.

## VI. APPROVALS

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